12-7-93
Vol. 58 No. 233
Pages 64365-64454

federal register

Tuesday
December 7, 1993

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 58, No. 233
Tuesday, December 7, 1993

Separate Parts In This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers and **Federal Register** finding aids is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 58, No. 233
Tuesday, December 7, 1993

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AF58

Prevailing Rate Systems; Definition of Oscoda-Alpena, Michigan, Wage Area to Northwestern Michigan Wage Area

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing an interim regulation to abolish the Oscoda-Alpena, Michigan, Federal Wage System (FWS) wage area for pay-setting purposes. The Oscoda-Alpena wage area is composed of the following Michigan counties: Alcona, Alpena, Antrim, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Iosco, Kalkaska, Leelanau, Manistee, Missaukee, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, and Wexford. The current host activity for the Oscoda-Alpena wage area survey, Wurtsmith Air Force Base (AFB), closed at the end of June 1993. No other activity in the Oscoda-Alpena wage area has the capability to conduct a local wage survey. This regulation redefines all counties presently included in the Oscoda-Alpena, Michigan, wage area to the area of application of the Northwestern Michigan wage area.

DATES: This interim rule is effective on August 1, 1993. Comments must be received on or before January 6, 1994.

ADDRESSES: Send or deliver comments to Barbara L. Fiss, Assistant Director for Compensation Policy, Personnel Systems and Oversight Group, U.S. Office of Personnel Management, room 6H31, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Mark Allen (202) 606-2848.

SUPPLEMENTARY INFORMATION: The Oscoda-Alpena, Michigan, wage area is currently defined as a separate wage area for FWS pay-setting purposes. The Department of Defense notified OPM that the host activity for the Oscoda-Alpena wage area, Wurtsmith AFB, closed on June 30, 1993. Wurtsmith AFB does not have the capability to conduct the wage survey for the Oscoda-Alpena, Michigan, wage area that was required to begin in August 1993 in accordance with appendix A to subpart B of part 532, title 5, Code of Federal Regulations.

No other Federal activity in the Oscoda-Alpena wage area has the capability to carry out a local wage survey. The counties presently constituting the Oscoda-Alpena wage area must therefore be combined with another wage area for pay-setting purposes.

The following criteria are taken into consideration when wage areas are combined:

(1) Distance, transportation facilities, and geographic features;

(2) Commuting patterns; and

(3) Similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

There are currently four FWS wage areas in the State of Michigan. The Oscoda-Alpena wage area occupies the northern section of the lower peninsula and is adjacent to three other wage areas: Detroit, Northwestern Michigan, and Southwestern Michigan.

In selecting an existing wage area with which the Oscoda-Alpena wage area should be combined, the distance, transportation facilities, and geographic features criteria slightly favor combining the Oscoda-Alpena wage area with the Southwestern Michigan wage area. However, the distances between the host activities of all adjacent wage areas and Crawford County, the county with the highest remaining FWS employment, are considerable. The substantial distances involved for travel by road and the unusual geography of Michigan preclude making any determinative linkage to another wage area based on these criteria.

Analysis of commuting patterns shows a very slight linkage between the Oscoda-Alpena wage area and the Detroit wage area. Only 61 of 121,046 people who work in the Oscoda-Alpena wage area list their residence in the Detroit survey area, and only 139 of 120,165 working Oscoda-Alpena wage area residents list their place of work as being in the Detroit survey area. There is no additional evidence indicating a pattern of commuting between the Oscoda-Alpena wage area and the survey areas of the other two Michigan wage areas.

Comparison of statistics for overall population, employment and kinds and sizes of private industrial establishments shows that the smaller Oscoda-Alpena and Northwestern Michigan wage areas are very similar to each other and very dissimilar to the other much larger Michigan wage areas.

In summary, distance, transportation facilities, geographic features, and commuting pattern criteria slightly favor combining the Oscoda-Alpena wage area with the Southwestern Michigan or Detroit wage areas. However, demographic and economic factors strongly indicate that the Oscoda-Alpena wage area is most similar to the Northwestern Michigan wage area. On balance, the criteria favor defining the Oscoda-Alpena wage area to the area of application of the Northwestern Michigan wage area.

Based on this review of the criteria for establishing and combining wage areas, we find that the Oscoda-Alpena, Michigan, wage area should be abolished as of August 1, 1993. As requested by the Department of Defense, employees paid from the current Oscoda-Alpena, Michigan, wage schedule will remain on their current schedule until the next wage schedule for the Northwestern Michigan wage area becomes effective on January 1, 1994.

The Federal Prevailing Rate Advisory Committee reviewed this request and recommended approval by consensus.

Pursuant to sections 553(b)(3)(B) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking to accommodate changes necessitated by Department of Defense downsizing and expedite this wage area redefinition. Also, pursuant to section 553(d)(3) of title 5, United States Code, I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less

than 30 days to avoid the expenditure of resources needed to prepare for the required August 1993 survey of the Oscoda-Alpena, Michigan, wage area. Wurtsmith AFB is unable to function as the host activity for the wage survey and no other local activity within the Oscoda-Alpena wage area has the capability to conduct a wage survey.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

Accordingly, OPM is amending 5 CFR part 532 as follows:

PART 532—PREVAILING RATES SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. In appendix A to subpart B, the listing for the Oscoda-Alpena, Michigan, wage area is removed.

3. Appendix C to subpart B is amended by removing the listing for the Oscoda-Alpena, Michigan, wage area and by revising the wage area listing for the Northwestern Michigan wage area to read as follows:

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

* * * * *

Northwestern Michigan Survey Area

Michigan:
- Delta
- Dickinson
- Marquette

Area of Application. Survey area plus:

Michigan:
- Alcona[1]
- Alger
- Alpena[1]
- Antrim[1]
- Baraga
- Benzie[1]
- Charlevoix[1]
- Cheboygan[1]
- Chippewa
- Crawford[1]
- Emmet[1]
- Gogebic
- Grand Traverse[1]
- Houghton
- Iosco[1]
- Iron
- Kalkaska[1]
- Keweenaw
- Leelanau[1]
- Luce
- Mackinac
- Manistee[1]
- Menominee
- Missaukee[1]
- Montmorency[1]
- Ogemaw[1]
- Ontonagon
- Oscoda[1]
- Otsego[1]
- Presque Isle[1]
- Roscommon[1]
- Schoolcraft
- Wexford[1]

* * * * *

[1] Effective date January 1, 1994.

[FR Doc. 93-29724 Filed 12-6-93; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 831

RIN 3206-AF67

Civil Service Retirement System; Law Enforcement Officers and Firefighters

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim rules amending the regulations covering special retirement provisions for law enforcement officers and firefighters employed under the Civil Service Retirement System (CSRS). These changes are intended to improve efficiency by delegating to the employing agencies responsibility for deciding who is entitled to coverage under the special retirement provisions.

DATES: Interim rules effective December 7, 1993; comments must be received on or before February 7, 1994.

ADDRESSES: Send comments to Reginald M. Jones, Jr., Assistant Director for Retirement and Insurance Policy; Retirement and Insurance Group; Office of Personnel Management; P.O. Box 57; Washington, DC 20044; or deliver to OPM, room 4351, 1900 E Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert M. Rosenblatt, (202) 606-0299.

SUPPLEMENTARY INFORMATION: Section 8336(c) of title 5, U.S. Code, authorizes immediate retirement benefits at age 50 for Federal employees who have completed 20 years of Federal civilian service as a law enforcement officer or firefighter. Until now the Office of Personnel Management (OPM) has retained sole authority to determine whether or not service performed as a law enforcement office or firefighter meets the retirement law's definitions of "law enforcement officer" or "firefighter" (5 U.S.C. 8331(20) and 5 U.S.C. 8331(21), respectively), and, therefore qualifies for special retirement benefits. These regulations will authorize heads of employing agencies, subject to OPM oversight, to decide which of their CSRS employees qualify for law enforcement officer or firefighter coverage in the same manner as those determinations are now made for law enforcement officers and firefighters under the Federal Employees Retirement System (FERS). (See subpart H of 5 CFR Part 842.)

The delegation of authority from OPM to agency heads will streamline the processing of law enforcement officer and firefighter coverage determinations, and place responsibility for those determinations with the employing agencies that have the most direct personnel management interest in them. (These rules stipulate, however, that agencies will not reopen past coverage decisions except when new and material evidence is available that was not available when the issue was decided.)

For the convenience of the reader, OPM has republished subpart I of part 831 in its entirety. However, these rules make substantive changes only in the delegation of authority to make coverage determinations to the employing agencies (and the consequent elimination of OPM's role in making those determinations, except in an oversight capacity); the criteria for making coverage determinations have changed.

Under section 553(b)(3)(B) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking, and to make these rules effective in less than 30 days. These regulations streamline processing of coverage determinations and place responsibility for those determinations with the employing agencies that have the most direct personnel management interest in them, without affecting individual rights.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Federal employees and agencies and retirement payments to retired Government employees and their survivors.

List of Subjects in 5 CFR Part 831

Administrative practice and procedure, Government employees, Pensions, Retirement.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

Accordingly, OPM is amending 5 CFR part 831 as follows:

PART 831—RETIREMENT

1. The authority citation for part 831 continues to read in part as follows:

Authority: 5 U.S.C. 8347; * * *

2. Subpart I, consisting of §§ 831.901 through 831.911, is revised to read as follows:

Subpart I—Law Enforcement Officers and Firefighters

Sec.

Subpart I—Law Enforcement Officers and Firefighters

§ 831.901 Applicability and purpose.

(a) This subpart contains regulations of the Office of Personnel Management (OPM) to supplement 5 U.S.C. 8336(c), which establishes special retirement eligibility for law enforcement officers and firefighters employed under the Civil Service Retirement System; 5 U.S.C. 8331(3) (C) and (D), pertaining to basic pay; 5 U.S.C. 8334(a) (1) and (c), pertaining to deductions, contributions, and deposits; 5 U.S.C. 8335(b), pertaining to mandatory retirement; and 5 U.S.C. 8339(d), pertaining to computation of annuity.

(b) The regulations in this subpart are issued pursuant to the authority given to OPM in 5 U.S.C. 8347 to prescribe regulations to carry out subchapter III of chapter 83 of title 5 of the United States Code, and in 5 U.S.C. 1104 to delegate authority for personnel management to the heads of agencies.

§ 831.902 Definitions.

In this subpart—

Agency head means, for the executive branch agencies, the head of an executive agency as defined in 5 U.S.C. 105; for the legislative branch, the Secretary of the Senate, the Clerk of the House of Representatives, or the head of any other legislative branch agency; for the judicial branch the Director of the Administrative Office of the U.S. Courts; for the Postal Service, the Postmaster General; and for any other independent establishment that is an entity of the Federal Government, the head of the establishment. For purposes of this subpart, "agency head" is also deemed to include the designated representative of the head of an executive department as defined in 5 U.S.C. 101, except that for provisions dealing with law enforcement officers and firefighters, the designated representative must be a department headquarters-level official who reports directly to the executive department head and who is the sole such representative for the entire department.

Detention duties means duties that require frequent direct contact in the detention, direction, supervision, inspection, training, employment, care, transportation, or rehabilitation of individuals suspected or convicted of offenses against the criminal laws of the United States or the District of Columbia or offenses against the punitive articles of the Uniform Code of Military Justice (10 U.S.C. chapter 47). (See 5 U.S.C. 8331(20).)

Firefighter means an employee, whose duties are *primarily* to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment. Also included in this definition is an employee engaged in this activity who is transferred to a supervisory or administrative position. (See 5 U.S.C. 8331(21).) An employee whose primary duties are the performance of routine fire prevention inspection is excluded from this definition.

Frequent direct contact means personal, immediate, and regularly-assigned contact with detainees while performing detention duties, which is repeated and continual over a typical work cycle.

Law enforcement officer means an employee, the duties of whose position are *primarily* the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including an employee engaged in this activity who is transferred to a supervisory or administrative position. (See 5 U.S.C. 8331(20).) The definition does not include an employee whose primary duties involve maintaining law and order, protecting life and property, guarding against or inspecting for violations of law, or investigating persons other than persons who are suspected or convicted of offenses against the criminal laws of the United States.

Primary duties are those duties of a position that—

(1) (i) Are paramount in influence or weight; that is, constitute the basic reasons for the existence of the position;

(ii) Occupy a substantial portion of the individual's working time over a typical work cycle; and

(iii) Are assigned on a regular and recurring basis.

(2) Duties that are of an emergency, incidental, or temporary nature cannot be considered "primary" even if they meet the substantial portion of time criterion. In general, if an employee spends an average of at least 50 percent of his or her time performing a duty or group of duties, they are his or her primary duties.

Primary position means a position whose primary duties are:

(1) To perform work directly connected with controlling and extinguishing fires or maintaining and using firefighter apparatus and equipment; or

(2) Investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States.

Secondary position means a position that:

(1) Is clearly in the law enforcement or firefighting field;

(2) Is in an organization having a law enforcement or firefighting mission; and

(3) Is either—

(i) Supervisory; i.e., a position whose primary duties are as a first-level supervisor of law enforcement officers or firefighters in primary positions; or

(ii) Administrative; i.e., an executive, managerial, technical, semiprofessional, or professional position for which experience in a primary law enforcement or firefighting position, or equivalent experience outside the Federal government, is a prerequisite.

§ 831.903 Conditions for coverage in primary positions.

(a) An employee's service in a position that has been determined by the employing agency head to be a

primary law enforcement officer or firefighter position is covered under the provisions of 5 U.S.C. 8336(c).

(b) An employee who is not in a primary position, nor covered while in a secondary position, and who is detailed or temporarily promoted to a primary position is not covered under the provisions of 5 U.S.C. 8336(C)

§ 831.904 Conditions for coverage in secondary positions.

(a) An employee's service in a position that has been determined by the employing agency head to be a secondary law enforcement officer or firefighter position is covered under the provisions of 5 U.S.C. 8336(c) if all of the following criteria are met:

(1) The employee is transferred directly (i.e., without a break in service exceeding 3 days) from a primary position to a secondary position; and

(2) If applicable, the employee has been continuously employed in secondary positions since transferring from a primary position without a break in service exceeding 3 days, except that a break in employment in secondary positions which begins with an involuntary separation (not for cause), within the meaning of 8336(d)(1) of title 5, United States Code, is not considered in determining whether the service in secondary positions is continuous for this purpose.

(b) This requirement for continuous employment in a secondary position applies only to voluntary breaks in service beginning after January 19, 1988.

(c) An employee who is not in a primary position, nor covered while in a secondary position, and who is detailed or temporarily promoted to a secondary position is not covered under the provisions of 5 U.S.C. 8336(c).

(d) The service of an employee who is in a position on January 19, 1988, that has been approved as a secondary position under this subpart will continue to be covered under the provisions of 5 U.S.C. 8336(c) as long as the employee remains in that position without a voluntary break in service, and coverage is not revoked by OPM under § 831.911, or by the agency head.

§ 831.905 Evidence.

(a) An agency head's determination that a position is a primary position must be based solely on the official position description of the position in question, and any other official description of duties and qualifications. The official documentation for the position must establish that it satisfies the requirements defined in § 831.902.

(b) A determination under § 831.904 must be based on the official position description and any other evidence deemed appropriate by the agency head for making the determination.

§ 831.906 Requests from individuals.

(a) An employee who requests credit for service under 5 U.S.C. 8336(c) bears the burden of proof with respect to that service, and must provide the employing agency with all pertinent information regarding duties performed, including—

(1) For law enforcement officers, a list of the provisions of Federal criminal law the incumbent is responsible for enforcing and arrests made; and

(2) For firefighters, number of fires fought, names of fires fought, dates of fires, and position occupied while on firefighting duty.

(b) An employee who is currently serving in a position that has not been approved as a primary or secondary position, but who believes that his or her service is creditable as service in a primary or secondary position may request the agency head to determine whether or not the employee's service should be credited and, if it qualifies, whether it should be a primary or secondary position.

(c) A current or former employee (or the survivor of a former employee) who believes that a period of past service in an unapproved position qualifies as service in a primary or secondary position and meets the conditions for credit must follow the procedure in paragraph (b) of this section. Except as provided in paragraph (d) of this section, the request must be made to the agency where the claimed service was performed.

(d) For a current or former employee seeking credit under 5 U.S.C. 8336(c) for service performed at an agency that is no longer in existence, and for which there is no successor agency, OPM will accept, directly from the current or former employee (or the survivor of a former employee), a request for a determination as to whether a period of past service qualifies as service in a primary or secondary position and meets the conditions for credit.

(e) Coverage in a position or credit for past service will not be granted for a period greater than 1 year prior to the date that the request from an individual is received under paragraphs (b), (c), or (d) of this section by the employing agency, the agency where past service was performed, or OPM.

(f) An agency head, in the case of a request filed under paragraph (b) or (c) of this section, or OPM, in the case of request filed under paragraph (d) of this section, may extend the time limit for filing when, in the judgment of such agency head or OPM, the individual shows that he or she was prevented by circumstances beyond his or her control from making the request within the time limit.

§ 831.907 Withholdings and contributions.

(a) During the service covered under the conditions established by § 831.903 and § 831.904, the employing agency will deduct and withhold from the employee's base pay the amount required under 5 U.S.C. 8334(a) for such positions and submit that amount, together with agency contributions required by 5 U.S.C. 8334(a), to OPM in accordance with payroll office instructions issued by OPM.

(b) If the correct withholdings and/or Government contributions are not submitted to OPM for any reason whatsoever, including cases in which it is finally determined that past service of a current or former employee was subject to the higher deduction and Government contribution rates, the employing agency must correct the error by submitting the correct amounts (including both employee and agency shares) to OPM as soon as possible. Even if the agency waives collection of the overpayment of pay under any waiver authority that may be available for this purpose, such as 5 U.S.C. 5584, or otherwise fails to collect the debt, the correct amount must still be submitted to OPM without delay as soon as possible.

(c) An employee, upon proper application to the agency, or a former employee or eligible survivor, upon proper application to OPM, will be paid a refund, without interest, of erroneous additional withholdings or deposits for service that was found not to have been covered service.

(d) The additional employee withholding and agency contribution for covered or creditable service properly made as required under 5 U.S.C. 8334(a)(1) or deposited under 5 U.S.C. 8334(c) are not separately refundable, even in the event that the employee or his or her survivor does not qualify for a special annuity computation under 5 U.S.C. 8339(d).

(e) While an employee who does not hold a primary or secondary position is detailed or temporarily promoted to a primary or secondary position, the additional withholdings and agency contributions will not be made. While an employee who does hold a primary or secondary position is detailed or temporarily promoted to a position which is not a primary or secondary position, the additional withholdings and agency contributions will continue to be made.

§ 831.908 Mandatory separation.

(a) The mandatory separation provisions of 5 U.S.C. 8335(b) apply to all law enforcement officers and firefighters in primary and secondary positions. A mandatory separation under section 8335(b) is not an adverse action under part 752 of this chapter or a removal action under part 359 of this chapter. Section 831.503 provides the procedures for requesting an exemption from mandatory separation.

(b) In the event an employee is separated mandatorily under 5 U.S.C. 8335(b), or is separated for optional retirement under 5 U.S.C. 8336(c), and OPM finds that all or part of the minimum service required for entitlement to immediate annuity was in a position which did not meet the requirements of a primary or secondary position and the conditions set forth in this subpart, such separation will be considered erroneous.

§ 831.909 Reemployment.

An employee who has been mandatorily separated under 5 U.S.C. 8335(b) is not barred from reemployment in any position except a primary position after age 60. Service by a reemployed annuitant is not covered by the provisions of 5 U.S.C. 8336(c).

§ 831.910 Review of decisions.

The following decisions may be appealed to the Merit Systems Protection Board under procedures prescribed by the Board:

(a) The final decision of an agency head or OPM issued to an employee, former employee, or survivor as the result of a request for determination filed under § 831.906; and

(b) The final decision of an employing agency that a break in service referred to in § 831.904(a)(2) did not begin with an involuntary separation within the meaning of 5 U.S.C. 8336(d)(1).

§ 831.911 Oversight of coverage determinations.

(a) Upon deciding that a position is a law enforcement officer or firefighter position, each agency head must notify OPM (Attention: Associate Director for Retirement and Insurance) stating the title of each position, the number of incumbents, and whether the position is primary or secondary. The Director of OPM retains the authority to revoke an agency head's determination that a position is a primary or secondary position, or that an individual's service in any other position is creditable under 5 U.S.C. 8336(c).

(b) Each agency must establish a file containing each coverage determination made by an agency head under § 831.903 and § 831.904, and all background material used in making the determination.

(c) Upon request by OPM, the agency will make available the entire coverage determination file for OPM to audit to ensure compliance with the provisions of this subpart.

(d) Upon request by OPM, an agency must submit to OPM a list of all covered positions and any other pertinent information requested.

(e) A coverage determination issued by OPM or its predecessor, the Civil Service Commission, will not be reopened by an employing agency, unless the agency head determines that new and material evidence is available that, despite due diligence, was not available before the decision was issued.

[FR Doc. 93–29725 Filed 12–6–93; 8:45 am]
BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR PART 204

[Release No. 34–33277]

Debt Collection—Administrative Offset, Tax Refund Offset and Collection Services, Credit Bureau Reporting

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission has added three new subparts to Part 204, Rules relating to Debt Collection, Subpart A, Administrative Offset, sets forth the procedures to collect a debt owed the U.S. Government, by Administrative offset; Subpart C, Tax Refund Offset, establishes procedures whereby delinquent debts owed to the Commission will be referred to the Internal Revenue Service (IRS) for collection by offset against Federal income tax refunds under 31 U.S.C. 3720A and Subpart D, Miscellaneous: Collection Services, Credit Bureau Reporting, sets forth the procedures by which the Commission may report delinquent debts to credit bureau/consumer reporting agencies and use the collection services to collect debt owed to the U.S. Government. The Commission is required by the Debt Collection Act of 1982 to adopt regulations and develop procedures to collect debts owed to the U.S. Government. These regulations will bring the Commission into compliance with federal debt collection requirements.

EFFECTIVE DATE: January 6, 1994.

FOR FURTHER INFORMATION CONTACT: Darrell Dockery (Branch Chief, Accounting), Glynis Long (Salary Offset Editor), or Henry Hoffman (Assistant Comptroller) at (202) 272–2409, Office of the Comptroller, Securities and Exchange Commission, 450 Fifth St. NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Deficit Reduction Act [1] and the Cash Management Improvement Act Amendments of 1992 [2] mandate the use of tax refund offset by all agencies. These Acts authorize the Internal Revenue Service (IRS) to reduce a tax refund by the amount of a past-due legally enforceable debt owed to the United States by a person or entity. [3] The Commission must notify the Secretary of the Treasury at least once a year of the amount of all such debt.

In order to participate in the Tax Refund Offset Program with the IRS, the Commission must publish regulations on Tax Refund Offset, Salary Offset, and Administrative Offset.[4] In addition, the Commission must report the debtor to a consumer or credit bureau reporting agency.[5] If the Commission cannot collect the debt by Administrative Offset,[6] or Salary Offset,[7] then collection will be made through the Tax Refund Offset Program.

Subpart A—Administrative Offset—sets forth the procedures to collect, by Administrative offset, as defined in 31 U.S.C. Chapter 37, money payable by the United States Government to, or held by the Government for, a person to satisfy a debt the person owes the Government.

Subpart C—Tax Refund Offset—establishes procedures whereby delinquent debts owed to the Commission will be referred to the Internal Revenue Service (IRS) for collection by offset against Federal income tax refunds under 31 U.S.C. 3720A.

Subpart D—Miscellaneous: Collection Services, Credit Bureau Reporting, sets forth the procedures by which the Commission may report delinquent debts to consumer reporting agencies

[1] 31 U.S.C. 3720A, 6402.

[2] 31 U.S.C. 3720A.

[3] Pursuant to Public Law 102–589 Section 3, the term "person" means an individual, a sole proprietorship, partnership, corporation, nonprofit organization, or any other form of business association.

[4] 26 CFR 301.6402–6 *et seq.* Internal Revenue Service of the Department of the Treasury, Procedure and Administration.

[5] 31 U.S.C 3701, 3711, 3718 and the Federal Claims Collection Standards (FCCS) 4 CFR 102.6.

[6] 31 U.S.C. 3716.

[7] 5 U.S.C. 5514.

(see 31 U.S.C. 3701(a)(3), 3711). Pursuant to Section 13 of the Debt Collection Act (31 U.S.C. 3718), agencies are authorized to enter into contracts with the collection services to recover debts owed the United States. The Commission has authority to contract for collection services to recover delinquent debts in accordance with 31 U.S.C. 3718(c) and the Federal Claims Collection Standards (4 CFR 102.6).

The Commission must, 60 days prior to the Tax Refund Offset, notify the debtor through a letter of intent to report the legally enforceable debt to the credit organizations and/or to the Internal Revenue Service for the purpose of offsetting any Federal Tax Refund.[8]

Cost-Benefit analysis: The Commission believes that the procedures set forth in the Offset Regulations are the most efficient and least burdensome way for the Commission to meet the requirements of the Tax Refund Offset Program.

The Commission finds, in accordance with the Administrative Procedure Act,[9] that this rule relates solely to agency organization, procedures, or practices. It is therefore not subject to the provisions of the Administrative Procedure Act requiring notice and opportunity for comment.

List of Subjects in 17 CFR Part 204

Claims, Debt collection, Government employees, Wages

Text of Amendments

For the reasons set out in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended by adding Subparts A, C and D to Part 204 to read as follows:

PART 204—RULES RELATING TO DEBT COLLECTION

Subpart A—Administrative Offset

Sec.

* * * * *

[8] 31 U.S.C. 3720A(b)(2).

[9] 5 U.S.C. 553(b)(3)(A).

Subpart C—Tax Refund Offset

Subpart D—Miscellaneous: Credit Bureau Reporting, Collection Services

Subpart A—Administrative Offset

Authority: 31 U.S.C. 3716, 4 CFR 102.

§ 204.1 Applicability and scope.

(a) The procedures authorized for administrative offset are contained in Section 10 of the Debt Collection Act (codified at 31 U.S.C. 3716). The Act requires that notice procedures be observed by the agency. The debtor is also afforded an opportunity to inspect and copy government records pertaining to the claim, enter into an agreement for repayment, and to a review of the claim (if requested). Like salary offset, agencies may cooperate with one another in order to effectuate recovery of the claim.

(b) The provisions of this subpart apply to the collection of debts owed to the United States arising from transactions with the Securities and Exchange Commission (Commission). Administrative offset is authorized under Section 5 of the Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982 (31 U.S.C. 3716). These regulations are consistent with the Federal Claims Collection Standards on administrative offset issued jointly by the Department of Justice and the General Accounting Office (4 CFR part 102).

§ 204.2 Definitions.

(a) *Administrative offset* as defined in 31 U.S.C. 3701(a)(1) means withholding money payable by the United States Government to, or held by the Government for, a person to satisfy a debt the person owes the Government.

(b) *Person* includes a natural person or persons, profit or nonprofit corporation, partnership, association, trust, estate, consortium, or other entity which is capable of owing a debt to the United States Government except that agencies of the United States, or of any State or local government shall be excluded.

§ 204.3 General.

(a) The Chairperson of the Commission (or designee) will determine the feasibility of collection by administrative offset on a case-by-case basis for each claim established. The Chairperson (or designee) will consider the following issues in making a determination to collect a claim by administrative offset:

(1) Can administrative offset be accomplished?

(2) Is administrative offset practical and legal?

(3) Does administrative offset best serve and protect the interest of the U.S. Government?

(4) Is administrative offset appropriate given the debtor's financial condition?

(b) The Chairperson (or designee) may initiate administrative offset with regard to debts owed by a person to another agency of the United States Government, upon receipt of a request from the head of another agency or his or her designee, and a certification that the debt exists and that the person has been afforded the necessary due process rights.

(c) The Chairperson (or designee) may request another agency which holds funds payable to a Commission debtor to offset that debt against the funds held and will provide certification that:

(1) The debt exists; and

(2) The person has been afforded the necessary due process rights.

(d) No collection by administrative offset shall be made on any debt that has been outstanding for more than 10 years unless facts material to the Government's right to collect the debt were not known, and reasonably could not have been known, by the official or officials responsible for discovering the debt.

(e) Administrative offset under this subpart may not be initiated against:

(1) A debt in which administrative offset of the type of debt involved is explicitly provided for or prohibited by another statute;

(2) Debts owed by other agencies of the United States or by any State or local Government; or

(3) Debts arising under the Internal Revenue Code of 1954; the Social Security Act; or the tariff laws of the United States.

(f) The procedures for administrative offset in this subpart do not apply to the offset of Federal salaries under 5 U.S.C. 5514.

§ 204.4 Demand for payment—notice.

(a) Whenever possible, the Commission will seek written consent from the debtor to initiate immediate collection before starting the formal notification process.

(b) In cases where written agreement to collect cannot be obtained from the debtor, a formal notification process shall be followed, (4 CFR 102.2). Prior to collecting a claim by administrative offset, the Commission shall send to the debtor, by certified or registered mail with return receipt, a written demand for payment in terms which inform the debtor of the consequences of failure to cooperate. A total of three progressively stronger written demands at not more than 30 day intervals will normally be made unless a response to the first or second demand indicates that a further demand would be futile or the debtor's response does not require rebuttal, or other pertinent information indicates that additional written demands would be unnecessary. In determining the timing of the demand letters, the Commission should give due regard to the need to act promptly so that, as a general rule, if necessary to refer the debt to the Department of Justice for litigation, such referral can be made within one year of the final determination of the fact and the amount of the debt. When appropriate to protect the Government's interests (for example, to prevent the statute of limitations from expiring), written demand may be preceded by other appropriate actions, including immediate referral for litigation.

(c) Before offset is made, a written notice will be sent to the debtor. This notice will include:

(1) The nature and amount of the debt;

(2) The date when payment is due (not less than thirty days from the date of mailing or hand delivery of the notice);

(3) The agency's intention to collect the debt by administrative offset, including asking the assistance of other Federal agencies to help in the offset whenever possible, if the debtor has not made payment by the payment due date or has not made an arrangement for payment by the payment due date;

(4) Any provision for interest, late payment penalties and administrative charges, if payment is not received by the due date;

(5) The possible reporting of the claim to consumer reporting agencies and the possibility that the Commission will forward the claim to a collection agency;

(6) The right of the debtor to inspect and copy the Commission's records related to the claim;

(7) The right of the debtor to request a review of the determination of indebtedness and, in the circumstances described below, to request an oral hearing from the Commission's designee;

(8) The right of the debtor to enter into a written agreement with the agency to repay the debt in some other way; and

(9) In appropriate cases, the right of the debtor to request a waiver.

(d) Claims for payment of travel advances and employee training expenses require notification prior to administrative offset as described in this section. Because no oral hearing is required, notice of the right to a hearing need not be included in the notification.

§ 204.5 Debtor's failure to respond.

If the debtor fails to respond to the notice described in § 204.4 (c) by the proposed effective date specified in the notice, the Commission may take further action under this section or under the Federal Claims Collection Standards (4 CFR parts 101 through 105). The Commission may collect by administrative offset if the debtor:

(a) Has not made payment by the payment due date;

(b) Has not requested a review of the claim within the agency as set out in § 204.6; or

(c) Has not made an arrangement for payment by the payment due date.

§ 204.6 Agency review.

(a) A debtor may dispute the existence of the debt, the amount of the debt, or the terms of repayment. A request to review a disputed debt must be submitted to the Commission official who provided notification within 30 calendar days of the receipt of the written notice described in § 204.4(c).

(b) The Commission will provide a copy of the record to the debtor and advise him/her to furnish available evidence to support his or her position. Upon receipt of the evidence, the written record of indebtedness will be reviewed and the debtor will be informed of the results of that review.

(c) Pending the resolution of a dispute by the debtor, transactions in any of the debtor's accounts maintained by the Commission may be temporarily suspended. Depending on the type of transaction, the suspension could preclude its payment, removal, or transfer, as well as prevent the payment of interest or discount due thereon. Should the dispute be resolved in the debtor's favor, the suspension will be immediately lifted.

(d) During the review period, interest, penalties, and administrative costs authorized under the Federal Claims Collection Act of 1966, as amended, will continue to accrue.

§ 204.7 Hearing.

(a) A debtor will be provided a reasonable opportunity for an oral hearing by the Commission's designee when:

(1) (i) By statute, consideration must be given to a request to waive the indebtedness;

(ii) The debtor requests waiver of the indebtedness; and

(iii) The waiver determination rests on an issue of creditability or veracity; or

(2) The debtor requests reconsideration and the Commission's designee determines that the question of indebtedness cannot be resolved by reviewing the documentary evidence.

(b) In cases where an oral hearing is provided to the debtor, the Commission's designee will conduct the hearing, and provide the debtor with a written decision 30 days after the hearing.

§ 204.8 Written agreement for repayment.

If the debtor requests a repayment agreement in place of offset, the Commission has discretion and should use sound judgment to determine whether to accept a repayment agreement in place of offset. If the debt is delinquent and the debtor has not disputed its existence or amount, the Commission will not accept a repayment agreement in place of offset unless the debtor is able to establish that offset would cause undue financial hardship or be unjust. No repayment arrangement will be considered unless the debtor submits a financial statement, executed under penalty of perjury, reflecting the debtor's assets, liabilities, income, and expenses. The financial statement must be submitted within ten business days of the Commission's request for the statement. At the Commission's option, a confess-judgment note or bond of indemnity with surety may be required for installment agreements. Notwithstanding the provisions of this section, any reduction or compromise of a claim will be governed by 4 CFR part 103 and 31 CFR 5.3.

§ 204.9 Administrative offset procedures.

(a) If the debtor does not exercise the right to request a review within the time specified in § 204.4, or if as a result of the review, it is determined that the debt is due and no written agreement is executed, then administrative offset shall be ordered in accordance with this subpart without further notice.

(b) *Travel advance.* The Commission will deduct outstanding advances provided to Commission travelers from other amounts owed the traveler by the agency whenever possible and practicable. Monies owed by an employee for outstanding travel

advances that cannot be deducted from other travel amounts due that employee will be collected through salary offset as described in subpart B of this part.

(c) *Requests for offset to other Federal agencies.* The Chairperson (or his or her designee) may request that a debt owed to the Commission be administratively offset against funds due and payable to a debtor by another Federal agency. In requesting administrative offset, the Commission, as creditor, will certify in writing to the Federal agency holding funds of the debtor:

(1) That the debtor owes the debt;

(2) The amount and basis of the debt; and

(3) That the Commission has complied with the requirements of 31 U.S.C. 3716, its own administrative offset regulations and the applicable provisions of 4 CFR part 102 with respect to providing the debtor with due process.

(d) *Requests for offset from other Federal agencies.* Any Federal agency may request that funds due and payable to its debtor by the Commission be administratively offset in order to collect a debt owed to such Federal agency by the debtor. The Commission shall initiate the requested offset only upon:

(1) Receipt of written certification from the creditor agency:

(i) That the debtor owes the debt;

(ii) The amount and basis of the debt;

(iii) That the agency has prescribed regulations for the exercise of administrative offset; and

(iv) That the agency has complied with its own administrative offset regulations and with the applicable provisions of 4 CFR part 102, including providing any required hearing or review.

(2) A determination by the Commission that collection by offset against funds payable by the Commission would be in the best interest of the United States as determined by the facts and circumstances of the particular case, and that such offset would not otherwise be contrary to law.

§ 204.10 Civil and Foreign Service Retirement Fund.

(a) Unless otherwise prohibited by law, the Commission may request that monies due and payable to a debtor from the Civil Service Retirement and Disability Fund, the Foreign Service Retirement Fund or any other Federal retirement fund be administratively offset in reasonable amounts in order to collect in one full payment or a minimal number of payments, debts owed the United States by the debtor. Such requests shall be made to the appropriate officials of the respective fund servicing agency in accordance with such regulations as may be prescribed by the Chairperson of that agency. The requests for administrative offset will certify in writing the following:

(1) The debtor owes the United States a debt and the amount of the debt;

(2) The Commission has complied with applicable regulations and procedures; and

(3) The Commission has followed the requirements of the Federal Claims Collection Standards as described in this subpart.

(b) Once the Commission decides to request offset under paragraph (a) of this section, it will make the request as soon as practical after completion of the applicable procedures in order that the fund servicing agency may identify and flag the debtor's account in anticipation of the time when the debtor requests or becomes eligible to receive payments from the fund. This will satisfy any requirements that offset be initiated prior to expiration of the statute of limitations.

(c) If the Commission collects part or all of the debt by other means before deductions are made or completed pursuant to paragraph (a) of this section, the Commission shall act promptly to modify or terminate its request for offset.

(d) This section does not require or authorize the fund servicing agency to review the merits of Commission's determination relative to the debt.

§ 204.11 Jeopardy procedure.

The Commission may effect an administrative offset against a payment to be made to the debtor prior to the completion of the procedures required by § 204.4(c) if failure to take the offset would substantially jeopardize the Commission's ability to collect the debt, and the time available before the payment is to be made does not reasonably permit the completion of those procedures. Such prior offset shall be promptly followed by the completion of those procedures. Amounts recovered by offset but later found not to be owed to the Commission shall be promptly refunded.

§ 204.12–204.29 [Reserved]

Subpart C—Tax Refund Offset

Authority: 5 U.S.C. 8347(a) and 8461(g), 31 U.S.C. 3720A.

§ 204.50 Purpose.

This subpart establishes procedures for the Commission to refer past-due legally enforceable debts to the Internal Revenue Service (IRS) for offset against the income tax refunds of an individual, sole proprietorship, partnership, corporation, nonprofit organization or any other form of business association, (31 U.S.C. 3720A(4)) owing debts to the Commission. In the case of refunds of business associations, this section applies only to refunds payable on or after January 1, 1995 (31 U.S.C. 3720A(5). It specifies the agency procedures and the rights of the debtor applicable to claims referred under the Federal Tax Refund Offset Program for the collection of debts owed to the Commission.

§ 204.51 Past-due legally enforceable debt.

A past-due legally enforceable debt for referral to the IRS is a debt that:

(a) Resulted from:

(1) Erroneous payments made under the Civil Service Retirement or the Federal Employees' Retirement Systems; or

(2) Unpaid health or life insurance premiums due under the Federal Employees' Health Benefits or Federal Employees' Group Life Insurance Programs; or

(3) Any other statute administered by the Commission;

(b) Is an obligation of a debtor;

(c) Except in the case of a judgment debt, has been delinquent at least three months but not more than ten years at the time the offset is made;

(d) Is at least $25.00;

(e) With respect to which the individual's rights described in the collection of debts owed to the Civil Service Retirement and Disability Fund (5 CFR 831.1301 through 831.1309) have been exhausted;

(f) With respect to which either:

(1) The Commission's records do not contain evidence that the person owing the debt (or his or her spouse) has filed for bankruptcy under title 11 of the United States Code; or

(2) The Commission can clearly establish at the time of the referral that the automatic stay under 11 U.S.C. 362 has been lifted or is no longer in effect with respect to the person owing the debt or his or her spouse, and the debt was not discharged in the bankruptcy proceeding;

(g) Cannot currently be collected under the salary offset provisions of 5 U.S.C. 5514(a)(1);

(h) Is not eligible for administrative offset under 31 U.S.C. 3716(a) because of 31 U.S.C. 3716(c)(2), or cannot currently be collected as an

administrative offset by the Commission under 31 U.S.C. 3716(a) against amounts payable to the debtor by the Commission; and

(i) Has been disclosed by the Commission to a consumer reporting agency as authorized by 31 U.S.C. 3711(f), unless the consumer reporting agency would be prohibited from reporting information concerning the debt by reason of 15 U.S.C. 1681c, or unless the amount of the debt does not exceed $100.

§ 204.52 Notification of intent to collect.

(a) *Notification before submission to the IRS.* A request for reduction of an IRS income tax refund will be made only after the Commission makes a determination that an amount is owed and past-due and gives or makes a reasonable attempt to give the debtor 60 days written notice of the intent to collect by IRS tax refund offset.

(b) *Contents of notice.* The Commission's notice of intent to collect by IRS tax refund offset (Notice of Intent) will state:

(1) The amount of the debt;

(2) That unless the debt is repaid within 60 days from the date of the Commission's Notice of Intent, the Commission intends to collect the debt by requesting the IRS to reduce any amounts payable to the debtor as a Federal income tax refund by an amount equal to the amount of the debt and all accumulated interest and other charges;

(3) A mailing address for forwarding any written correspondence and a contact name and a telephone number for any questions; and

(4) That the debtor may present evidence to the Commission that all or part of the debt is not past due or legally enforceable by:

(i) Sending a written request for a review of the evidence to the address provided in the notice;

(ii) Stating in the request the amount disputed and the reasons why the debtor believes that the debt is not past due or is not legally enforceable; and

(iii) Including in the request any documents that the debtor wishes to be considered or stating that the additional information will be submitted within the remainder of the 60-day period.

§ 204.53 Reasonable attempt to notify.

In order to constitute a reasonable attempt to notify the debtor, the Commission must have used a mailing address for the debtor obtained from the IRS pursuant to 26 U.S.C. 6103(m)(2) within a period of one year preceding the attempt to notify the debtor, unless the Commission received clear and concise notification from the debtor that notices from the agency are to be sent to an address different from the address obtained from IRS. Clear and concise notice means that the debtor has provided the agency with written notification, including the debtor's name and identifying number (as defined in 26 CFR 301.6109–1), and the debtor's intent to have the agency notices sent to the new address.

§ 204.54 Commission action as a result of consideration of evidence submitted in response to the notice of intent.

(a) *Consideration of evidence.* If, as a result of the Notice of Intent, the Commission receives notice that the debtor will submit additional evidence or receives additional evidence from the debtor within the prescribed time period, any notice to the IRS will be stayed until the Commission can:

(1) Consider the evidence presented by the debtor; and

(2) Determine whether or not all or a portion of the debt is still past due and legally enforceable; and

(3) Notify the debtor of its determination.

(b) *Notification to the debtor.* Following review of the evidence, the Commission's designee will issue a written decision notifying the debtor whether the Commission has sustained, amended, or canceled its determination that the debt is past-due and legally enforceable. The notice will advise the debtor of any further action to be taken and explain the supporting rationale for the decision.

(c) *Commission action on the debt.*

(1) The Commission will notify the debtor of its intent to refer the debt to the IRS for offset against the debtor's Federal income tax refund if it sustains its decision that the debt is past-due and legally enforceable. The Commission will also notify the debtor whether the amount of the debt remains the same or is modified; and

(2) The Commission will not refer the debt to the IRS for offset against the debtor's Federal income tax refund if it reverses its decision that the debt is past due and legally enforceable.

§ 204.55 Change in notification to Internal Revenue Service.

(a) Except as noted in paragraph (b) of this section, after the Commission sends the IRS notification of an individual's liability for a debt, the Commission will promptly notify the IRS of any change in the notification, if the Commission:

(1) Determines that an error has been made with respect to the information contained in the notification;

(2) Receives a payment or credits a payment to the account of the debtor named in the notification that reduces the amount of the debt referred to the IRS for offset; or

(3) Receives notification that the individual owing the debt has filed for bankruptcy under Title 11 of the United States Code or has been adjudicated bankrupt and the debt has been discharged.

(b) The Commission will not notify the IRS to increase the amount of a debt owed by a debtor named in the Commission's original notification to the IRS.

(c) If the amount of a debt is reduced after referral by the Commission and offset by the IRS, the Commission will refund to the debtor any excess amount and will promptly notify the IRS of any refund made by the Commission.

§ 204.56 Administrative charges.

All administrative charges incurred in connection with the referral of the debts to the IRS will be assessed on the debt and thus increase the amount of the offset.

§ 204.57–204.74 [Reserved]

Subpart D—Miscellaneous: Credit Bureau Reporting, Collection Services

Authority: 31 U.S.C. 3701, 3711, 3718.

§ 204.75 Collection services.

Section 13 of the Debt Collection Act (31 U.S.C. 3718) authorizes agencies to enter into contracts for collection services to recover debts owed the United States. The Act requires that certain provisions be contained in such contracts, including:

(a) The agency retains the authority to resolve a dispute, including the authority to terminate a collection action or refer the matter to the Attorney General for civil remedies; and

(b) The contractor is subject to the Privacy Act of 1974, as it applies to private contractors, as well as subject to State and Federal laws governing debt collection practices.

§ 204.76 Use of credit bureau or consumer reporting agencies.

(a) The Commission may report delinquent debts to consumer reporting agencies (See 31 U.S.C. 3701(a)(3), 3711). Sixty days prior to release of information to a consumer reporting agency, the debtor shall be notified, in writing, of the intent to disclose the existence of the debt to a consumer reporting agency. Such notice of intent may be a separate correspondence or included in correspondence demanding direct payment. The notice shall be in conformance with 31 U.S.C. 3711(f) and the Federal Claims Collection

Standards. The Commission shall provide, in this notice, the debtor with:

(1) An opportunity to inspect and copy agency records pertaining to the debt;

(2) An opportunity for an administrative review of the legal enforceability or past due status of the debt;

(3) An opportunity to enter into a repayment agreement on terms satisfactory to the Commission to prevent the Commission from reporting the debt as overdue to consumer reporting agencies, and provide deadlines and method for requesting this relief;

(4) An explanation of the rate of interest that will accrue on the debt, that all costs incurred to collect the debt will be charged to the debtor, the authority for assessing these costs, and the manner in which the Commission will calculate the amount of these cost;

(5) An explanation that the Commission will report the debt to the consumer reporting agencies to the detriment of the debtor's credit rating; and

(6) A description of the collection actions that the agency may take in the future if those presently proposed actions do not result in repayment of the loan obligation, including the filing of a lawsuit against the borrower by the agency and assignment of the debt for collection by offset against Federal income tax refunds or the filing of a lawsuit against the debtor by the Federal Government.

(b) The information that may be disclosed to the consumer reporting agency is limited to:

(1) The debtor's name, address, social security number or taxpayer identification number, and any other information necessary to establish the identity of the individual;

(2) The amount, status, and history of the claim; and

(3) The Commission program or activity under which the claim arose.

§ 204.77 Referrals to collection agencies.

(a) The Commission has authority to contract for collection services to recover delinquent debts in accordance with 31 U.S.C. 3718(c) and the Federal Claims Collection Standards (4 CFR 102.6).

(b) The Commission will use private collection agencies where it determines that their use is in the best interest of the Government. Where the Commission determines that there is a need to contract for collection services, the contract will provide that:

(1) The authority to resolve disputes, compromise claims, suspend or terminate collection action, or refer the matter to the Department of Justice for litigation or to take any other action under this Part will be retained by the Commission;

(2) Contractors are subject to the Privacy Act of 1974, as amended, to the extent specified in 5 U.S.C. 552a(m) and to applicable Federal and State laws and regulations pertaining to debt collection practices, such as the Fair Debt Collection Practices Act, 15 U.S.C. 1692;

(3) The contractor is required to strictly account for all amounts collected;

(4) The contractor must agree that uncollectible accounts shall be returned with appropriate documentation to enable Commission to determine whether to pursue collection through litigation or to terminate collection; and

(5) The contractor must agree to provide any data in its files relating to paragraphs (a) (1), (2) and (3) of Section 105.2 of the Federal Claims Collection Standards upon returning the account to the Commission for subsequent referral to the Department of Justice for litigation.

(c) The Commission will not use a collection agency to collect a debt owed by a current employed or retired Federal employee, if collection by salary or annuity offset is available.

By the Commission.

Dated: December 3, 1993.

Jonathan G. Katz

Secretary.

[FR Doc. 93-29973 Filed 12-3-93; 4:19 pm]

BILLING CODE 8010-01-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 500 and 626

[FHWA/FTA Docket No. 92-14]

RIN 2125-AC97

Federal Transit Administration

49 CFR Part 614

RIN 2132-AA47

Management and Monitoring Systems

AGENCIES: Federal Highway Administration (FHWA), Federal Transit Administration (FTA), DOT.

ACTION: Correction to interim final rule.

SUMMARY: This document adds the caption **ADDRESSES** to the preamble of the interim final rule on Management and Monitoring Systems which was published Wednesday, December 1, 1993 (58 FR 63442), FR Doc. 93-29096.

DATES: Comments on this interim final rule must be received on or before January 31, 1994.

FOR FURTHER INFORMATION CONTACT: For information on the general provisions, Mr. Tony Solury, 202-366-5003. For information on a specific system: Highway pavement—Mr. Frank Botelho, 202-366-1336; Bridges—Mr. Dan O'Connor, 202-366-1567; Highway safety—Mr. Fred Small, 202-366-2171; Traffic congestion—Mr. Sheldon Edner, 202-366-4066; Public transportation facilities and equipment—Mr. Sean Libberton, 202-366-0055; Intermodal transportation facilities and systems—Mr. Dane Ismart, 202-366-4071; Traffic monitoring—Mr. Ed Kashuba, 202-366-0175. Mr. Wilbert Baccus, FHWA Office of the Chief Counsel, 202-366-0780. Office hours are 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal Federal holidays.

In FR Doc. 93-29096, published on Wednesday, December 1, 1993 (58 FR 63442), after the caption for **DATES** add the caption for **ADDRESSES** to read as follows:

ADDRESSES: Submit written, signed comments to FHWA/FTA Docket No. 92-14, Federal Highway Administration, HCC-10, room 4232, 400 Seventh Street, SW., Washington, DC 20590. All comments will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except legal Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: December 1, 1993.

Theodore A. McConnell,

Chief Counsel.

[FR Doc. 93-29816 Filed 12-6-93; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Oklahoma Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final Rule; Approval of Amendment.

SUMMARY: OSM is approving, with exceptions and additional requirements, an amendment to the Oklahoma

permanent regulatory program (hereinafter, the "Oklahoma program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment adds bond release guidelines that include the revegetation success standards and statistically valid sampling techniques, and guidelines for phase I, II, and III bond release. The amendment is intended to revise the Oklahoma program to be consistent with corresponding Federal regulations and to improve operational efficiency.

EFFECTIVE DATE: December 7, 1993.

FOR FURTHER INFORMATION CONTACT: James H. Moncrief, telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. General background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Oklahoma program can be found in the January 19, 1981, **Federal Register** (46 FR 4902). Subsequent actions concerning Oklahoma's program and program amendments can be found at 30 CFR 936.15, 936.16, and 936.30.

II. Submission of Amendment

On February 6, 1992, Oklahoma submitted a proposed amendment to its program pursuant to SMCRA (Administrative Record No. OK–937). Oklahoma submitted the proposed amendment in part in response to a required program amendment at 30 CFR 936.16(d) and in part at its own initiative to improve operational efficiency. Oklahoma proposed to amend its program by adding the guidelines that include: (1) Revegetation success standards and statistically valid sampling techniques referenced at subsections 816.116(a) and 817.116(a)(1) of the Oklahoma rules and (2) guidelines for phase I, II, and III bond release.

The revegetation success standards and statistically valid sampling techniques are applicable to the measurement of vegetation ground cover, production, and/or stocking for the postmining land uses of pastureland; grazingland; forestry, wildlife habitat, and recreation; industrial, commercial or residential; and prime and nonprime farmland cropland. The guidelines for phase I, II, and III bond release include provisions relating to application forms; schedules; backfilling and grading; topsoil and/or subsoil replacement; drainage control; impoundments; and structures and facilities. Oklahoma intended that the guidelines be in accordance with parts 800, 816, 817, and 823 of the Oklahoma rules and the corresponding Federal standards.

OSM published a notice in the April 13, 1992, **Federal Register** (57 FR 12784) announcing receipt of the amendment and inviting public comment on its adequacy (Administrative Record No. OK–947). The public comment period ended May 13, 1992.

During its review of the amendment, OSM identified concerns relating to the start of the liability period for revegetation success; management of reference areas; bond release requirements for topsoil replacement, impoundments, bare areas, vegetative cover for previously mined areas, revegetation success standards and vegetation sampling techniques; the definitions for "erosion control" and "augmentation;" and approval of the repair of rills and gullies as a normal husbandry practice. OSM notified Oklahoma of the concerns by letter dated June 2, 1992 (Administrative Record No. OK–942), and by supplemental letters dated June 24, 1992 (Administrative Record No. OK–948), and March 24 and April 28, 1993 (Administrative Record Nos. OK–950 and OK–949).

Oklahoma responded in a letter dated July 8, 1993, by submitting additional explanatory information and a revised amendment to address the concerns identified above (Administrative Record No. OK–944).

Based upon the additional explanatory information and revisions to the proposed program amendment submitted by Oklahoma, OSM reopened the public comment period in the August 12, 1993, **Federal Register** (58 FR 42900; Administrative Record No. OK–952). The public comment period closed on August 27, 1993.

III. Director's Findings

After a thorough review, the Director, in accordance with SMCRA and 30 CFR 732.15 and 732.17, finds, as discussed below, that, with certain exceptions, the amendment as submitted by Oklahoma on February 6, 1992, and as revised by it on July 8, 1993, meets the requirements of SMCRA and 30 CFR Chapter VII of the Federal Regulations.

As discussed in finding Nos. 1. a and b below, the Director finds (1) that the revegetation success standards and statistically valid sampling techniques contained in the guidelines generally satisfy the requirements of and are no less effective than the Federal regulations at 30 CFR 816.116(a); 816.116(a) (1) and (2); 816.116(b) (1), (3) (ii) and (iii), and (4); 817.116(a); 817.116(a) (1) and (2); 817.116(b) (1), (3) (ii) and (iii), and (4); and 823.15(b) (2), (6) and (7); and (2) that the additional bond release requirements addressed in the guidelines are consistent with Oklahoma's approved regulatory program and no less effective than the Federal regulations at 30 CFR 800.40 (a)(1) and (c); 816.22 (a)(1) and (d); 816.45; 816.46(b)(5); 816.95(a); 816.102(a)(1); 816.116(c) (2) and (4); 817.22 (a)(1) and (d); 817.45; 817.46(b)(5); 817.95(a); 817.102(a)(1); 817.116(c) (2) and (4); and 823.14(b). Therefore, the Director approves the guidelines. However, as discussed in finding Nos. 2 through 7 below, the Director finds that certain specific provisions in the guidelines are less effective than the Federal regulations and as a result the Director is adding other required amendments.

In all instances, the guidelines do not replace or change any existing State rules. in some instances, the guidelines reiterate the regulatory requirements. However, because the guidelines do not reiterate or reference all regulatory requirements regarding revegetation or bond release, they do not stand alone and must be used in conjunction with Oklahoma's rules.

1. The Guidelines, General

a. *Standards for revegetation success and statistically valid sampling techniques.* The Federal regulations at 30 CFR 816.116(a)(1) and 817.116(a)(1) require that each regulatory authority select revegetation success standards and statistically valid sampling techniques for determining revegetation success and include them in its approved regulatory program. OSM approved the Oklahoma rules at subsections 816.116(a)(1) and 817.116(a)(1) that state that the standards for success and statistically valid sampling techniques for measuring success are identified in the guidelines (56 FR 6268, February 15, 1991). However, because Oklahoma did not submit the referenced guidelines along with the proposed rules, OSM required Oklahoma at 30 CFR 936.16(d) to submit for OSM approval the guidelines. Because Oklahoma specifies

in the guidelines generally acceptable revegetation success standards and statistically valid sampling procedures, the Director is removing the required amendment at 30 CFR 936.16(d).

Oklahoma proposed that the success of revegetation be determined by use of a reference area with an option to use certain technical standards as calculated by the methods described in appendices to the guidelines. As required by 30 CFR 816.116(a) and 817.116(a), the standards, criteria, and parameters in the guidelines reflect the general revegetation requirements of the Federal regulations at 30 CFR 816.111 and 817.111, which are also included in Oklahoma's rules at sections 816.111 and 817.111. As required by the Federal regulations at 30 CFR 816.116(a)(2) and 817.116(a)(2), the success standards prescribed by the guidelines include criteria for various postmining land uses that are representative of unmined lands in the area being reclaimed that will be used in the evaluation of ground cover, production, and stocking. And, as also required by 30 CFR 823.15(b)(2), 816.116(a)(2), and 817.116(a)(2), the guidelines specify the statistically valid techniques to be used for sampling, measuring, and analyzing vegetation parameters.

The guidelines include specific revegetation ground cover standards for phase II bond release that have no counterpart in the Federal program but are consistent with and no less effective than the requirements for ground cover standards for phase III bond release in the Federal regulations at 30 CFR 816.116(b) and 817.116(b). The guidelines also include specific ground cover and/or productivity success standards for phase III bond release on lands with a postmining land use of pastureland, grazingland, prime farmland cropland, nonprime farmland cropland, or industrial, commercial or residential that are no less effective than the requirements in the Federal regulations at 30 CFR 823.15(b) (6) and (7); 816.116(b)(1), (3)(iii), and (4); and 817.116(b)(1), (3)(iii), and (4). They do not include specific stocking or tree density standards for phase III bond release on lands with a postmining land use of forestry, fish and wildlife habitat, or recreation, because these specific standards will be determined on a permit-specific basis after consultation with and approval by the State agencies responsible for the administration of forestry and wildlife programs as required by Oklahoma's rules at subsections 816.116(b)(3)(i) and 817.116(b)(3)(i). However, the guidelines do contain the phase III bond release requirement for lands with a postmining land use designated as forestry, fish and wildlife habitat, or recreation that at least 80 percent of the trees and shrubs counted in determining the success of stocking shall have been in place for at least 60 percent of the minimum period of responsibility. This requirement is consistent with Oklahoma's rules at subsections 816.116(b)(3)(ii) and 817.116(b)(3)(ii) and no less effective than the Federal regulations at 30 CFR 816.116(b)(3)(ii) and 817.116(b)(3)(ii).

b. *Bond release requirements.* In addition to specifying revegetation success standards and statistically valid sampling procedures, the guidelines discuss the requirements for (1) the liability period that are no less effective than the requirements of 30 CFR 816.116(c)(2) and 817.116(c)(2); (2) general phase I, II, and III bond release requirements for the removal of structures and facilities (including coal pads, office and maintenance areas, and roads) and backfilling and grading that are no less effective than the general requirements of 30 CFR 816.102(a)(1) and 817.102(a)(1); (3) topsoil and subsoil replacement that are no less effective than the respective Federal regulations at 30 CFR 816.22(d), 817.22(d) and 823.14(b); and (4) drainage control (including ponds, diversions, impoundments, and treatment facilities) that are no less effective than the Federal regulations at 30 CFR 800.40(c), 816.46(b)(5), 817.46(b)(5), 816.56, and 817.56. Appendix A of the guidelines includes definitions for terms such as "desirable plant species," "drainage control," and "productivity" that are not defined in the Federal program but are consistent with and no less effective than the general requirements of the respective Federal regulations at 30 CFR 816.111(b) and 817.111(b), 816.45 and 817.45, and 816.116(a)(2) and 817.116(a)(2), as well as definitions for the terms "augmentation" and "erosion control" that are no less effective than the respective Federal regulations at 30 CFR 816.116(c)(4) and 817.116(c)(4), and 816.95(a) and 817.95(a). Appendices B and E respectively include (1) a method for calculating premining topsoil depths that is consistent with and no less effective than the requirements of the Federal regulations at 30 CFR 816.22(a)(1) and 817.22(a) (1), and (2) a list of undesirable plant species that is consistent with and no less effective than the general requirements of the Federal regulations at 30 CFR 816.111(b) and 817.111(b). Appendices S, T, and U respectively include application forms for phase I, II, and III bond release that are consistent with and no less effective than the requirements of the Federal regulations at 30 CFR 800.40(a)(1).

2. The Guidelines, Subsection I.E.3.b—Allowance for Bare Areas at Phase II Bond Release With an Exception to the Size Limits of the Bare Areas in Cases of Approved Industrial or Commercial Land Use

Oklahoma proposed at subsection I.E.3.b in the guidelines that, at the time of Phase II bond release, (1) the reclaimed area may have bare areas (any area with less than 30 percent ground coverage by desirable plant species) if the individual areas do not exceed 1/16 acre in size and the total of the bare areas is not more than 1 percent of the area planted and (2) an exception to the size limits of the bare areas in cases of approved industrial or commercial postmining land uses which require such areas.

Oklahoma stated in its July 8, 1993, response to OSM's June 2, 1992, issue letter that any bare area would be included in the random sampling area when measuring for the success of revegetation required by Oklahoma's rules at subsections 816.116(a)(2) and 817.116(a)(2). Because Oklahoma allows only relatively small bare areas and such bare areas would be included in random sampling for the determination of revegetation success, the Director finds that, with the exception discussed below, this provision of the guidelines, in conjunction with Oklahoma's rules at subsections 816.116(a)(2) and 817.116(a)(2), is no less effective than the counterpart Federal regulations at 30 CFR 816.116(a)(2) and 817.116(a)(2) that require sampling techniques used to measure for the success standards for ground cover, production, or stocking have a 90-percent statistical confidence interval standard. The allowance in the guidelines for bare areas of limited size is also consistent with Oklahoma's existing rules at subsections 816.116(b)(4) and 817.116(b)(4) that allow for bare areas if they do not exceed 1/16 acre in size and total not more than 1 percent of the area planted. There is no exception to the size limits of bare areas in Oklahoma's rules.

The exception to the Director's approval concerns the requirement in the Federal regulations at 30 CFR 816.116(b)(4) and 817.116(b)(4) and Oklahoma's rules at subsections 816.116(b)(5) and 817.116(b)(5) for industrial, commercial, or residential land use that the vegetative ground cover not be less than that required to control erosion. Because Oklahoma's provision in the guidelines for bare areas allows for an exception to the size

limits in cases of approved industrial or commercial postmining land uses without requiring that at a minimum ground cover be sufficient to control erosion, the Director finds that the exception is inconsistent with and less effective than Oklahoma's rules and the Federal regulations at 30 CFR 816.116(b)(4) and 817.116(b)(4).

Therefore, the Director approves Oklahoma's proposal for bare areas at subsection I.E.3.b of the guidelines but requires that Oklahoma revise subsection I.E.3.b to clarify that, in cases of approved industrial or commercial postmining land uses with bare areas, ground cover must be sufficient to control erosion.

3. The Guidelines, Subsections I.E.3.c and I.F.3.d—Phase II and III Bond Release Criteria for Ground Cover on Previously Mined Areas

Oklahoma proposed at subsections I.E.3.c and I.F.3.d, for both phase II and III bond release on previously mined areas, that the ground cover must be at least 70 percent vegetation and must be sufficient to control erosion.

There are no State or Federal regulatory requirements for measuring revegetation success at phase II bond release on previously mined areas (land affected by surface coal mining operations prior to August 3, 1977, that has not been reclaimed to the standards of the Oklahoma and Federal regulations). However, the general requirements for phase II bond release at 30 CFR 800.40(c)(2), which apply to all areas permitted under the permanent program whether previously mined or not require only that revegetation be established. Oklahoma's additional requirement in the guidelines at subsection I.E.3.c that the ground cover be at least 70 percent and sufficient to control erosion for phase II bond release is not inconsistent with the Federal regulations at 30 CFR 800.40(c)(2) and for this reason the Director approves this provision at subsection I.E.3.c of the guidelines.

Oklahoma's rules for phase III bond release on previously mined areas at subsections 816.116(b)(6) and 817.116(b)(6) require that the vegetative ground cover shall not be less than the ground cover existing before redisturbance and shall be adequate to control erosion, and state that in general this is considered to be at least 70 percent vegetative ground cover. The Federal regulations at 30 CFR 816.116(b)(5) and 817.116(b)(5) require at phase III bond release for areas previously disturbed by mining that were not reclaimed to the requirements of the regulations and that are remined or otherwise redisturbed by surface coal mining operations, as a minimum, that the vegetative ground cover shall be not less than the ground cover existing before redisturbance and shall be adequate to control erosion.

The requirement for phase III bond release at subsection I.F.3.d in the guidelines is inconsistent with Oklahoma's rules at subsections 816.116(b)(6) and 817.116(b)(6) and the Federal regulations at 30 CFR 816.116(b)(5) and 817.116(b)(5) because Oklahoma has made no demonstration that 70 percent vegetative ground cover will always be equal to or greater than the ground cover existing prior to redisturbance. Therefore, the Director finds that subsection I.F.3.d of the guidelines is less effective than the Federal regulations at 30 CFR 816.116(b)(5) and 817.116(b)(5). The Director: (1) Does not approve subsection I.F.3.d to the extent that it does not in all cases require that, prior to phase III bond release, the vegetative ground cover on the reclaimed area is no less than the ground cover existing prior to redisturbance and (2) requires Oklahoma to either (a) revise subsection I.F.3.d in the guidelines to require that prior to phase III bond release on previously mined areas that vegetative ground cover shall not be less than the ground cover existing before redisturbance, or (b) submit data to OSM demonstrating that in Oklahoma, the vegetative ground cover existing prior to redisturbance at previously mined areas would not be more than 70 percent.

4. The Guidelines, Subsections I.E.3 and I.F.3—General Revegetation Requirements for Phase II and III Bond Release

Oklahoma's rules at sections 816.116(a) and 817.116(a) and the Federal regulations at 30 CFR 816.116(a) and 817.116(a) require that the success of revegetation shall be judged on, among other things, the requirements of sections 816.111 and 817.111. The Federal regulations at 30 CFR 816.116(a)(1) requires that all success standards and sampling techniques must be included in an approved regulatory program. Therefore, success standards and sampling techniques must incorporate the various requirements at 30 CFR 816.111 and 817.111 and be approved by OSM.

The guidelines addressed several of the requirements of Oklahoma's rules at sections 816.111 and 817.111 including discussions of the evaluation of ground cover, soil erosion, compatibility with the postmining land use, and undesirable species. However, the guidelines are silent with respect to several other requirements of Oklahoma's rules at sections 816.111 and 817.111, including the requirements for a permittee to establish where appropriate a vegetative cover that is diverse, effective, and permanent (referred to as diversity and permanence below) and to reestablish plant species that have the same seasonal characteristics of growth as the original vegetation and are capable of self-regeneration and plant succession (referred to as seasonality and regeneration below).

Diversity and seasonality (which will include a determination of whether native or introduced species are acceptable) will be applicable to the land uses of grazingland, fish and wildlife habitat, and pastureland if something other than a monoculture is reestablished. Permanence and regeneration will be applicable to all land uses but cropland. (As stated at 30 CFR 816.111(d) and 817.111(d) when cropland is the approved postmining land use, the regulatory authority may grant an exception to the requirements of 30 CFR 816.111 and 817.111 addressing diversity, permanence, cover, seasonality, and capacity for regeneration.) Standards for permanence and regeneration are usually qualitative in nature. However, standards for diversity and seasonality could be qualitative or quantitative.

Oklahoma stated in its July 8, 1993, response to OSM's June 2, 1992, issue letter that the requirements for diversity, permanence, seasonality, and regeneration are in its rules, and they will be addressed by Oklahoma in permit application packages on a permit-specific basis. Therefore, in effect, Oklahoma proposes that it may approve diversity, permanence, seasonality, and regeneration success standards and sampling techniques that have not been approved by OSM.

Because Oklahoma has not included in the guidelines success standards or sampling techniques that must be used by a permittee to analyze for revegetation success of diversity, permanence, seasonality, and regeneration, the Director finds that the guidelines are less effective than the Federal regulations at 30 CFR 816.116(a) and (a)(1) and 817.116(a) and (a)(1), and 30 CFR 816.111 and 817.111. The Director requires Oklahoma to revise sections I.E.3 and I.F.3 in the guidelines to identify the methods it will use in developing revegetation success standards and sampling methods for diversity, seasonality, permanence, and regeneration.

With OSM's approval of the method(s) proposed by Oklahoma to develop permit-specific standards, Oklahoma could approve permit-specific standards based on these methods without further OSM approval. For example, these standards are often based on the make-up of an approved seed mix. The approved species can be verified by revegetation data that is collected for either ground cover or productivity, the sampling methods for data collection would be those already in the guidelines, and the standards would then involve the presence (quantitative or qualitative) of each species in the seed mix required to show success.

5. The Guidelines, Subsection I.F.5.b—Phase III Bond Release Criteria for Water Discharged From Permanent Impoundments, Ponds, Diversions, or Treatment Facilities

Oklahoma proposed in the guidelines at subsection I.F.5.b that, among other things, the discharge of water from all impoundments, ponds, diversions, or treatment facilities to be left on the site after phase III bond release shall not degrade the quality of receiving waters to less than the water quality standards of applicable State and Federal laws.

Oklahoma's rules at section 816.49(b)(2) and 817.49(b)(2) and the Federal regulations at 30 CFR 816.49(b)(2) and 817.49(b)(2) require for permanent impoundments that the quality of impounded water must meet applicable State and Federal water quality standards, and discharges from an impoundment must meet applicable effluent limitations and will not degrade the quality of receiving water below applicable State and Federal water quality standards. The Federal regulations at 30 CFR 816.56 and 817.56 for permanent sedimentation ponds, diversions, and treatment facilities include by reference the requirements at 30 CFR 816 and 817 for permanent impoundments.

The requirement at subsection I.F.5.b in the guidelines that the discharged water not degrade the water quality of the receiving waters to less than standards set by applicable State and Federal laws is inconsistent with the requirements of the State rules and Federal regulations that require the discharged water not degrade the receiving water below applicable water quality standards and *in addition* meet applicable water quality effluent limitations. "Not degrading the receiving waters below water quality standards" is a test different than "meeting effluent limits." The former allows for dilution of pollutants; the latter does not.

The Director finds that subsection I.F.5.b of the guidelines is less effective than the requirements of Oklahoma's rules and the Federal regulations at 30 CFR 816.49(b)(2) and 817.49(b)(2). The Director approves subsection I.F.5.b but requires Oklahoma to revise subsection I.F.5.b to require that water discharged from permanent impoundments, sedimentation ponds, diversions, and treatment facilities meet applicable water quality effluent limitations in addition to not degrading the quality of receiving water below applicable water quality standards.

6. The Guidelines, Subsections II.B.2.d, III.B.2.d, V.B.2., c and d, and VI.A.2.e—Technical Productivity Standards on Pastureland and Grazingland and Statistically Valid Sampling Techniques on Prime and Nonprime Farmland Cropland

Oklahoma proposed a method for calculating technical productivity standards in Appendix O for pastureland, grazingland, and grain or hay cropland. Oklahoma references Appendix O, as it applies to pastureland and grazingland productivity standards, in subsections II.B.2.d and III.B.2.d. Oklahoma also proposed methods for measuring row crop productivity on prime and nonprime farmlands in Appendices P and Q. Oklahoma references Appendices P and Q, as they apply to methods for measuring row crop productivity on prime and nonprime farmland, in subsections V.B.2.e and VI.B.2.e. In addition, Oklahoma proposed at subsections V.B.2.b and VI.B.2.d in the guidelines that productivity for prime and nonprime farmland cropland shall be considered to be acceptable when the average yield during the measurement period is equal to or greater than a technical success standard or the average yield of crops on a reference area. Oklahoma also submitted as, part of the guideline, letters dated October 29, 1992, and March 23 and May 2, 1993, from the State Soil Conservationist and the Cooperative Extension Service documenting consultation and approval for the method for calculating technical standards in Appendix O and the methods for measuring productivity in Appendices P and Q.

The Director finds that the methods for calculating a technical productivity standard and for measuring productivity of row crops in Appendices O, P, and Q are no less effective than the Federal regulations at 30 CFR 816.116(a) (1) and (2), 817.116(a) (1) and (2), and 823.15. The Director approves these appendices.

As discussed in finding Nos. 6.a through d below, the Director finds that portions of Appendix O, sections V.B.2 and VI.B.2, and subsections II.B.2.d, III.B.2.d, V.B.2.c and d, and VI.A.2.e are less effective than the corresponding Federal regulations.

a. *Subsections V.B.2 and VI.B.2 of the Guidelines—Reference to Appendix O for the Calculation of Technical Productivity Standards for Prime and Nonprime Farmland Cropland (Hay Crops) and Citation in Appendix O of the Source of the Productivity Standards.* Appendix O in the guidelines contains the method for calculating technical productivity standards for pastureland, grazingland, and prime and nonprime farmland cropland (grain or hay crops). Oklahoma referenced Appendix O at subsections II.B.2.d and III.B.2.d for the method to calculate technical productivity for phase III bond release on pastureland and grazingland. However, nowhere in the text of the guidelines does Oklahoma reference Appendix O for the method to calculate the technical standard for productivity of grain or hay crops on prime or nonprime farmland cropland. Therefore, sections V.B.2 and VI.B.2 are less effective than the Federal regulations at 30 CFR 816.116(a)(1) and 817.116(a)(1). Although the Director approves sections V.B.2 and VI.B.2, the Director requires that Oklahoma revise them to reference Appendix O for the method to calculate the technical productivity standard for grain or hay crops on prime and nonprime farmland cropland.

In addition, Oklahoma has submitted in Appendix V a list of technical references for the methods used to calculate the technical revegetation success standards and the statistically valid sampling techniques. However, it is not apparent which, if any, of the cited references contains the method proposed in Appendix O for calculating technical productivity standards at areas reclaimed for use as pastureland, grazingland, and cropland. For this reason, Appendix O is less effective than the Federal regulations at 30 CFR 816.116(a)(1) and 817.116(a)(1). Although the Director approves Appendix O, the Director requires that Oklahoma revise it to cite the reference for the method proposed for calculating these technical productivity standards.

b. *Subsections II.B.2.d, III.B.2.d, and V.B.2.c of the Guidelines—Allowance for Technical Productivity Standards Other Than Those Calculated by the Methods Described in Appendices O and P.* Oklahoma proposed in the

guidelines at subsections II.B.2.d and III.B.2.d that, when a reference area is not used to determine the phase III bond release revegetation success standard for productivity on pastureland or grazingland, the success standard shall be that technical standard approved by Oklahoma in the reclamation plan of the permit application, or the standard calculated using the method shown in Appendix O. Oklahoma also proposed at subsection V.B.2.c in the guidelines, that, when a reference area is not used to determine the phase II bond release revegetation success standard for productivity on prime farmland cropland (row crops), that the success standard shall be that technical standard approved by Oklahoma in the reclamation plan of the permit application. However, Appendix O in the guidelines contains the method used to calculate a technical productivity standard for grain and hay crops when a reference area is not used.

The Federal regulations at 30 CFR 816.116(a)(1) and 817.116(a)(1) require that standards for success and statistically valid sampling techniques for measuring success shall be selected by the regulatory authority and included in an approved regulatory program. To the extent that subsections II.B.2.d, III.B.2.d, and V.B.2.c allow for technical productivity standards other than those calculated by the method described in Appendix O, the Director finds that these subsections of the guidelines are less effective than the Federal regulations at 30 CFR 816.116(a)(1) and 817.116(a)(1). The Director does not approve them and requires that Oklahoma revise subsections II.B.2.d, III.B.2.d, and V.B.2.c in the guidelines to state that any productivity standards proposed by an applicant that are not calculated using the methods described in Appendices O and P must be approved by both Oklahoma and OSM.

c. *Subsection V.B.2.d of the Guidelines—Use of Test Plots to Demonstrate Success of Productivity of Row Crop Revegetation on Prime Farmland for Phase II Bond Release.* The method most often used for demonstrating productivity success on prime farmland is to plant the entire area to be reclaimed to prime farmland and then measure productivity by either harvesting the entire crop or, using statistically valid sampling techniques, harvesting samples of the crop. The use of statistically valid sampling techniques ensures that the samples would be representative of the entire reclaimed area.

At subsection V.B.2.d in the guidelines, Oklahoma proposed an alternative that would allow the use of test plots (subsamples of the restored area on which row crops are grown) so long as the test plots are pre-approved by Oklahoma based upon an applicant's demonstration that the test plots are representative of the restored prime farmland area. Oklahoma stated that test plots would generally be used only when the landowner specifically desired the land to be revegetated with improved pasture grasses rather than the row crops historically grown on the area. Although not clearly stated, Oklahoma proposes to allow the planting and harvesting of test plots that are smaller than the entire area to be reclaimed to prime farmland.

At subsection V.B.2.e in the guidelines, Oklahoma references Appendices P and Q for the sampling methods and method for determining sample size when measuring for productivity on prime farmland. Therefore, it appears that, once the test plots are located, these sampling methods would be applied to the test plots each of the 3 years of required productivity sampling for phase II bond release.

The Federal regulations at 30 CFR 823.15(b)(2) require for prime farmlands that the soil productivity shall be measured *on a representative sample* or on all of the mined and reclaimed prime farmland area and that a statistically valid sampling technique at a 90-percent or greater statistical confidence level shall be used as approved by the regulatory authority in consultation with the U.S. Soil Conservation Service (emphasis added).

Oklahoma did not address how it would determine whether the test plots were representative of the mined and reclaimed prime farmland area. OSM cannot determine whether the test plots would be a representative sample as required by the Federal regulations at 30 CFR 816.116(a)(2), 817.116(a)(2), and 823.15(b). Therefore, the Director finds that subsection V.B.2.d in the guidelines is less effective than the Federal regulations at 30 CFR 816.116(a)(2), 817.116(a)(2), and 823.15(b)(2).

The Director is not approving the use of test plots as a means of demonstrating productivity success as described at subsection V.B.2.d in the guidelines and requires that Oklahoma either revise the guidelines to remove at subsection V.B.2.d the use of test plots for demonstrating success of productivity on prime farmlands, or submit to OSM a method for demonstrating that the test plots would be representative at a 90-percent statistical confidence level of the entire reclaimed prime farmland area. In addition, Oklahoma must submit documentation of consultation with the State Soil Conservationist for the method proposed for demonstrating that the test plots would be representative of the total reclaimed prime farmland bond release area.

d. *Subsection VI.B.2.e of the Guidelines—Reference to Appendices P and Q for the Method to Measure Row Crop Production on Nonprime Farmland Cropland.* Appendices P and Q in the guidelines contain the method for measuring row crop production on both prime and nonprime farmland row crops. At subsections V.B.2.e and VI.B.2.e in the guidelines, Oklahoma referenced Appendices P and Q. However, at subsection VI.B.2.e for *nonprime* farmland cropland, Oklahoma states that the method for measuring row crop production on *prime* farmland cropland is at Appendices P and Q. On this basis, subsection VI.B.2.e is less effective than the Federal regulations at 30 CFR 816.116(a)(2) and 817.116(a)(2). The Director approves but requires that Oklahoma, when referencing Appendices P and Q is subsection VI.B.2.e, revise "prime farmland cropland" to read "nonprime farmland cropland."

Oklahoma provided example calculations and in several of them left out a necessary minus sign (−). Without the minus signs, the equations are read as if one would multiply the factors which would lead one to an erroneous answer. In addition, there is a typographical error in one equation ($ instead of %). Therefore, the Director recommends that Oklahoma in Appendix P revise (1) the equation on page 56 to read "C = 1.0 − (% moisture in shelled beans/100%)," (2) the equations on pages 59, 61, and 63 to read "B = 1.0 − (% moisture in shelled beans/100%)," and (3) "100$" in the equation solving for B on page 63 to read "100%."

7. Appendices A and R of the Guidelines—Definition of "Augmentation" and the "Guidelines for Repair of Rills and Gullies" as a Normal Husbandry Practice

The Federal regulations at 30 CFR 816.116(c)(4) and 817.116(c)(4) provide that the regulatory authority may approve selective husbandry practices as normal husbandry practices (excluding augmented seeding, fertilization, or irrigation), provided it obtains prior approval of these practices from the Director of OSM in accordance with 30 CFR 732.17. These practices can be implemented as normal husbandry practices without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the

postmining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved husbandry practices must be normal husbandry practices within the region for unmined lands having land uses similar to the approved postmining land use of the disturbed area, and include such practices as disease, pest, and vermin control, and any pruning, reseeding, and transplanting specifically necessitated by such actions.

Oklahoma proposed in the guidelines at Appendix A to define "augmentation" as

> [A]dditional work that is done after original revegetation efforts to aid in vegetation establishment which entails more than typical annual maintenance practice. The guidelines for repair of rills and gullies is defined in the Guidelines for Rill and Gully Repair (APPENDIX R).

The proposed definition of "augmentation" is consistent with the concept of augmentation in the Federal regulations at 30 CFR 816.116(c)(4) and 817.116(c)(4). The definition does not identify Appendix R as containing a practice that would or would not be considered "augmentation," but merely refers the reader to Appendix R. In Appendix R, Oklahoma explained that the repair of rills and gullies will not be allowed without restarting the revegetation liability period unless the "occurrences and treatment of such rills and gullies constitutes a normal conservation practice in the region as defined by the Oklahoma Department of Mines (ODOM)."

Oklahoma then described a guideline prepared by the U.S. Department of Agriculture, Soil Conservation Service (SCS), in Oklahoma, that set forth the treatment practices which are considered the usual degree of management customarily performed to prevent exploitation, destruction, or neglect of the soil resource and maintain the productivity of the land use. The treatment methods proposed in Appendix R would require rills and gullies to be filled with topsoil if the area is not large, or contoured and smoothed if the area is large. The area must be seeded during the appropriate season with the approved species and mulched. Three types of mulch are allowed: native hay or straw, wood chips, or strawy manure. The native hay or straw must either be crimped or tackified with an asphalt emulsion. Straw from small grain species cannot be used. The wood chips can be applied alone or tackified. The use of hay bales or rock rip-rap to fill or repair rills and gullies is allowable but must be approved by the State on a case-by-case basis. If used, it must be monitored to ensure that the treatment provides long-term erosion control, does not disrupt the postmining land use, and does not prevent permanent vegetation from becoming established. If this treatment method is not effective, then filling of the rills and gullies with topsoil and revegetation will be required.

In Appendix R, Oklahoma also proposed that treatment of rills and gullies after *initial vegetation establishment* would be considered an augmentative practice that would restart the liability period. In addition, Oklahoma defined the treatment of rills and gullies requiring permanent reseeding of more than 10 acres in a contiguous block or 10 percent of a permit area initially seeded during a single year to be an augmentation practice. However, at section I.A.1 in the guidelines, Oklahoma proposed that the liability period for revegetation success on reclaimed lands "begin with the *successful completion of initial planting* of all required permanent vegetation species on a site" (emphasis added). Oklahoma has not defined "initial vegetation establishment" in the context of a liability period that begins with the "successful completion of initial planting" of required species. It would be during the time period between *successful completion of initial planting* and *initial vegetation establishment* that Oklahoma would allow the repair of rills and gullies without restarting the liability period. Without a definition of "initial vegetation establishment," it is not possible to determine when an operator must consider the repair of rills and gullies an augmentative practice that would restart the liability period. Therefore, to the extent that Oklahoma has not clearly stated in Appendix R when the repair of rills and gullies would be an augmentative practice, the Director finds that Oklahoma's proposal in Appendix R for the repair of rills and gullies as a normal husbandry practice is less effective than the Federal regulations at 30 CFR 816.116(c)(4) and 817.116(c)(4).

Oklahoma also submitted, as part of the guidelines a record, dated July 1, 1993, of a telephone conversation that took place between Oklahoma and SCS. In the telephone conversation record, Oklahoma stated that "the Assistant State Conservationist for the SCS Office in Stillwater, OK, phoned to inform me [Oklahoma] that the 'Guidelines for the Repair of Rills and Gullies' [Appendix R] was complete and adequate, and he concurred with the proposed guidelines."

Because Oklahoma did not submit the actual SCS guidelines and has submitted a telephone conservation record rather than written correspondence from SCS concurring with the practices described in Appendix R, OSM finds that Oklahoma has not adequately demonstrated that such practices are supported as an acceptable land management technique for similar situations in the State of Oklahoma. Therefore, the Director finds that Appendix R is less effective than the requirements of the Federal regulations at 30 CFR 816.116(c)(4) and 817.116(c)(4) with respect to demonstrating that the husbandry practices be normal husbandry practices within the region for unmined lands.

For the reasons discussed above, the Director does not approve the "Guidelines for Repair of Rills and Gullies" in Appendix R as a normal husbandry practice and requires that Oklahoma submit proposed revisions to Appendix R to remove any reference to the proposed treatment of rills and gullies as a normal husbandry practice. As an alternative Oklahoma may (1) submit proposed revisions to Appendix R in the guidelines to specify what constitutes "initial vegetation establishment" and (2) submit as a program amendment either the actual U.S. SCS guideline described in Appendix R or a letter from the SCS to Oklahoma stating that the practices described in Appendix R are considered normal husbandry practices for the repair of rills and gullies in the State of Oklahoma.

8. The Guidelines, Appendix J—Calculation of Minimum Adequate Sample Size

Oklahoma proposed at Appendix J in the guidelines that all surveys conducted to measure ground cover or production must include at least 10 samples. The formula proposed by Oklahoma for calculating sample adequacy is:

$n = (t^2)(s^2)/E^2$, where

n = minimum adequate sample size;

t = t-value from the table in Appendix M;

s^2 = initial estimate of variance based on a sample of 10; and

E = acceptable level of sample mean error.

The Director finds that the formula for determining sample adequacy meets the requirements of the Federal regulations at 30 CFR 816.116(a)(2) and 817.116(a)(2); however, the first and second parts of the sample calculation presented in Appendix J have mathematical errors that need to be

corrected. Therefore, the Director recommends that, in Appendix J, Oklahoma revise (1) the first part of the example calculation solving for "n" so that s^2 equal 587.43 (not 785.2), and (2) the second part of the example calculation so that s^2 equal 533.1 (not 419.4), t equals 1.372 (not 1.345), and n equals 9.64 (not 7.29).

IV. Summary and Disposition of Comments

1. Public Comments

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. As discussed below, only one public comment was received. Because no one requested an opportunity to testify at a public hearing, no hearing was held.

By letter dated August 24, 1993 (Administrative Record No. OK–955), two associations jointly commented in support of that portion of Oklahoma's proposed amendment clarifying that the removal of sedimentation ponds is not an augmentative practice that would restart the extended revegetation responsibility period. In its original February 6, 1992, amendment submittal, Oklahoma proposed at Appendix A in the Bond Release Guidelines to define the term "augmentation" as

> [A]dditional work that is done after original revegetation efforts to aid in vegetation establishment, which entails more than typical annual maintenance practice, and which affects a total of ten percent or more of the area disturbed by mining operations. If less than ten percent of the disturbed area is affected, individual augmented areas shall be no longer than one-fourth acre in size. Areas seeded after the repair of rill and gully erosion or to revegetate temporary ponds or diversions are excluded.

However, in its revised July 8, 1993, amendment submittal, Oklahoma proposed at Appendix A that the definition of "augmentation" read

> [A]dditional work that is done after original revegetation efforts to aid in vegetation establishment which entails more than typical annual maintenance practice. The guidelines for repair of rills and gullies is defined in the Guidelines for Rill and Gully Repair (Appendix R).

As discussed in finding No. 7, OSM is approving Oklahoma's revised definition of "augmentation" at Appendix A in the guidelines. The revised definition of "augmentation" is now silent with respect to the revegetation responsibility period of the reclaimed areas where temporary ponds or diversions have been removed. Because the comment is no longer pertinent to Oklahoma's amendment, the Director is not considering it with respect to the decision that must be made to approve or not approve the amendment before OSM. However, the Director wishes to make the commenters aware of OSM's recently proposed policy on this issue.

OSM is currently reviewing program amendment from Illinois, Kentucky, and Ohio that propose that areas reclaimed following the removal of siltation structures and associated diversions and roads would not be subject to a revegetation responsibility and bond liability period separate from that of the permit area of increment thereof served by such facilities. In the past, OSM has either disapproved or taken no action on similar proposed State program amendment provisions. On September 15, 1993, OSM published a proposed rule **Federal Register** notice announcing the reopening and extension of the comment period for its intention to revise the OSM policy so as to allow the approval of these State program amendments (and others of this nature) as being consistent with SMCRA and its implementation regulations (58 FR 48333). The comment period closed on October 15, 1993. OSM is in the process of reviewing the comments received in response to the September 15, 1993, proposed rule **Federal Register** notice and will make a determination as to whether the proposed policy should be adopted and if national rulemaking is necessary to implement the revised OSM policy.

2. Agency Comments

Pursuant to 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from the Administrator of the U.S. Environmental Protection Agency (EPA), the Secretary of the U.S. Department of Agriculture, and the heads of other Federal agencies with an actual or potential interest in the Oklahoma program.

By letters dated March 2, 1992, and August 16, 1993 (Oklahoma Administrative Record Nos. OK–939 and OK–953), the U.S. Army Corps of Engineers commented that the proposed revegetation standards and bond release guideline were satisfactory.

By letters dated March 9, 1992 (Administrative Record Nos. OK–940 and OK–956), the U.S. Bureau of Land Management stated that it had no questions or recommended changes regarding the proposed amendment.

By telephone conversation on July 27, 1993 (Administrative Record No. OK–951), the U.S. Fish and Wildlife Service stated that it had no comments on the proposed amendment.

By telephone conversation on August 30, 1993 (Administrative Record No. OK–954), the U.S. National Park Service stated that it had no comments on the proposed amendment.

By letter dated August 30, 1993 (Administrative Record No. OK–956), the U.S. Bureau of Mines stated that it had no comments regarding the proposed amendment.

3. Environmental Protection Agency (EPA) Concurrence

Pursuant to 30 CFR 732.17(h)(11)(ii), the Director solicited the written concurrence of the Administrator of the EPA with respect to those provisions of the proposed program amendment which relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Oklahoma proposed to make in its statute pertain to air or water quality standards that have not already been approved in Oklahoma's program. Nevertheless, OSM requested EPA's concurrence with the proposed amendments (Administrative Record No. OK–938). EPA did not respond to OSM's request.

4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), the Director provided the proposed amendments to the SHPO and ACHP for comment. Neither SHPO nor ACHP provided any comments to OSM.

V. Director's Decision

Based on the above findings, the Director approves, with exceptions and additional requirements, Oklahoma's proposed amendment as submitted on February 6, 1992, and revised on July 8, 1993.

As discussed in finding No. 2, the Director approves but requires Oklahoma to revise subsection I.E.3.b in the guidelines to clarify that, regardless of the size of bare areas, ground cover must be sufficient to control erosion on land dedicated for commercial or industrial land use.

As discussed in finding No. 3, the Director does not approve subsection I.F.3.d in the guidelines to the extent that it does not in all cases require that, prior to phase III bond release on previously mined areas, the vegetative ground cover on the reclaimed area is no less than the ground cover existing prior to redisturbance. The Director requires Oklahoma to either (1) revise subsection I.F.3.d to require that prior to phase III bond release on previously

mined areas that vegetative ground cover shall not be less than the ground cover existing before redisturbance, or (2) submit data to OSM demonstrating that in Oklahoma, the ground cover existing prior to redisturbance at previously mined areas would not be more than 70 percent.

As discussed in finding No. 4, the Director approves but requires Oklahoma to revise sections I.E.3 and I.F.3 in the guidelines to identify the methods it will use in developing revegetation success standards and sampling methods for diversity, seasonality, permanence, and regeneration.

As discussed in finding No. 5, the Director approves but requires Oklahoma to revise subsection I.F.5.b in the guidelines to require that water discharged from permanent impoundments, ponds, diversion, and treatment facilities meet applicable water quality effluent limitations in addition to not degrading the quality of receiving water below applicable water quality standards.

As discussed in finding No. 6.a, the Director approves but requires Oklahoma to revise (1) sections V.B.2 and VI.B.2 in the guidelines to reference Appendix O for the method to calculate the technical productivity standard for grain or hay crops on prime and nonprime farmland cropland, and (2) Appendix O to cite the reference for the method proposed for calculating the technical productivity standards.

As discussed in finding No. 6.b, the Director does not approve subsections II.B.2.d, III.B.2.d, and V.B.2.c in the guidelines to the extent that they allow for technical productivity standards other than those calculated by the method in Appendix O; and requires that Oklahoma revise subsections II.B.2.d, III.B.2.d, and V.B.2.c to state that any technical productivity standards proposed by an applicant that are not calculated using the method described in Appendix O must be approved by both Oklahoma and OSM.

As discussed in finding No. 6.c, the Director does not approve subsection V.B.2.d in the guidelines to the extent that it allows for test plots as a method for demonstrating productivity success on prime farmland; and requires that Oklahoma revise subsection V.B.2.d to delete allowance for the use of test plots as a means of demonstrating productivity success on prime farmlands. As an alternative, Oklahoma may submit a method for demonstrating that the test plots would be representative at a 90-percent statistical confidence level of the total reclaimed prime farmland bond release area, and documentation of consultation with the State Soil Conservationist for the proposed method.

As discussed in finding No. 6.d, the Director approves but requires Oklahoma to revise subsection VI.B.2.e in the guidelines to change "prime farmland cropland" to read "nonprime farmland cropland" when referencing Appendices P and Q for the method to measure productivity success of row crops on nonprime farmland.

As discussed in finding No. 7, the Director does not approve Appendix R, "Guidelines for Rill and Gully Repair," in the guidelines to the extent that it provides for rill and gully treatment as a normal husbandry practice that would not restart the bond liability period; and requires that Oklahoma revise Appendix R to remove any reference to the proposed treatment of rills and gullies as a normal husbandry practice that would not restart the bond liability period. As an alternative, Oklahoma may submit proposed revisions to Appendix R to (1) specify what constitutes "initial vegetation establishment" and (2) submit as a program amendment either the actual SCS guideline described in Appendix R or a letter from the SCS to Oklahoma stating that the practices described in Appendix R are considered normal husbandry practices for the repair of rills and gullies in the State of Oklahoma.

The Federal regulations at 30 CFR Part 936, codifying decisions concerning the Oklahoma program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary of the Interior. Federal regulations at 30 CFR 732.17(a) require that any alteration of an approved State program must be submitted to OSM for review as a program amendment. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved State programs. Thus, any changes to the State program are not enforceable by the State as part of the approved State program until approved by the Director. In the oversight of the Oklahoma program, the Director will recognize only statutes, regulations, and other materials approved by the Director, together with any consistent implementing policies, directives and other materials, and will require the enforcement by Oklahoma of only such provisions.

VII. Procedural Determinations

1. Executive Order 12866

This final rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 12550) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731 and 732 have been met.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based

upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 26, 1993.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T, part 936 of the Code of Federal Regulations is amended as set forth below:

PART 936—OKLAHOMA

1. The authority citation for part 936 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 936.15 is amended by adding paragraph (m) to read as follows:

§ 936.15 Approval of regulatory program amendments.

* * * * *

(m) With the exceptions of subsection I.F.3.d to the extent that it does not in all cases require that, prior to phase III bond release on previously mined areas, the vegetative ground cover on the reclaimed area is no less than the ground cover existing prior to redisturbance; subsections II.B.2.d, III.B.2.d, and V.B.2.c to the extent that they allow for technical productivity standards other than those calculated by the method described in Appendix O; subsection V.B.2.d to the extent that it allows for test plots as an alternative method for demonstrating productivity success on prime farmland; and Appendix R, "Guidelines for Rill and Gully Repair," to the extent that it provides for rill and gully treatment as a normal husbandry practice that would not restart the bond liability period; the Bond Release Guidelines, which include revegetation success standards and statistically valid sampling techniques, and guidelines for phase I, II, and III bond release, as submitted to OSM on February 6, 1992, and revised on July 8, 1993, are approved effective on December 7, 1993.

4. Section 936.16 is revised to read as follows:

§ 936.16 Required regulatory program amendments.

Pursuant to 30 CFR 732.17, Oklahoma is required to submit for OSM's approval the following proposed program amendments by the date specified.

(a) By February 7, 1994, Oklahoma shall submit proposed revisions to subsection I.E.3.b in the Bond Release Guidelines to clarify that, in cases of approved commercial or industrial land uses, ground cover must be sufficient to control erosion.

(b) By February 7, 1994, Oklahoma shall either submit proposed revisions to subsection I.F.3.d in the Bond Release Guidelines to require that prior to phase III bond release on previously mined areas that vegetative ground cover shall not be less than the ground cover existing before redisturbance. As an alternative, Oklahoma may submit data to OSM demonstrating that in Oklahoma, the ground cover existing prior to redisturbance at previously mined areas would not be more than 70 percent.

(c) By February 7, 1994, Oklahoma shall submit proposed revisions to sections I.E.3 and I.F.3 in the Bond Release Guidelines to identify the methods it will use in developing revegetation success standards and sampling methods for diversity, seasonality, permanence, and regeneration.

(d) By February 7, 1994, Oklahoma shall submit proposed revisions to subsection I.F.6.b in the Bond Release Guidelines to require that water discharged from permanent impoundments, ponds, diversion, and treatment facilities meet applicable water quality effluent limitations in addition to not degrading the quality of receiving water below applicable water quality standards.

(e) By February 7, 1994, Oklahoma shall submit proposed revisions to sections V.B.2 and VI.B.2 in the Bond Release Guidelines to reference Appendix O for the methods to calculate the technical productivity standard for hay crops on prime and nonprime farmland cropland; and shall submit proposed revisions to Appendix O to cite the reference for the methods proposed for calculating the technical productivity standards.

(f) By February 7, 1994, Oklahoma shall submit proposed revisions to subsection II.B.2.d, III.B.2.d, and V.B.2.c in the Bond Release Guidelines to state that any productivity standards proposed by an applicant that are not calculated using the method described in Appendix O must be approved by both Oklahoma and OSM.

(g) By February 7, 1994, Oklahoma shall submit proposed revisions to subsection V.B.2.d in the Bond Release Guidelines to delete allowance for the use of test plots as a means of demonstrating productivity success on prime farmlands. As an alternative, Oklahoma may submit a method for demonstrating that the test plots would be representative at a 90-percent statistical confidence level of the total reclaimed prime farmland bond release area, and documentation of consultation with the State Soil Conservationist for the proposed method.

(h) By February 7, 1994, Oklahoma shall submit proposed revisions to subsection VI.B.2.e in the Bond Release Guidelines to change "prime farmland cropland" to read "nonprime farmland cropland" when referencing Appendix P.

(i) By February 7, 1994, Oklahoma shall submit proposed revisions to Appendix R in the Bond Release Guidelines to remove any reference to the proposed treatment of rills and gullies as a normal husbandry practice. As an alternative, Oklahoma may submit proposed revisions to Appendix R in the Bond Release Guidelines to specify what constitutes "initial vegetation establishment" and submit as a program amendment either the actual U.S. Soil Conservation Service (SCS) guideline described in Appendix R or a letter from the SCS to Oklahoma stating that the practices described in Appendix R are considered normal husbandry practices for the repair of rills and gullies in the State of Oklahoma.

[FR Doc. 93-29753 Filed 12-6-93; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Corps of Engineers

33 CFR Part 334

Submarine Operating Area, San Francisco Bay, CA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers is deleting the regulations which establish a naval restricted area in the waters of the San Francisco Bay, north of Alcatraz Island. The restricted area is no longer used or required by the U.S. Naval Command with jurisdiction

over that area. The Corps is publishing this deletion as a final rule without first soliciting public comments as a proposed rule because the removal of the submarine operating area from the Code of Federal Regulations and nautical charts will have the effect of relieving a restriction on the public's use of the waterbody.

EFFECTIVE DATE: December 7, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Mark D'Avignon at (415) 744–3324 or Mr. Ralph Eppard at (202) 272–1783.

SUPPLEMENTARY INFORMATION: The Commanding Officer, U.S. Coast Guard, Vessel Traffic Service, San Francisco, with written concurrence for the Commander, Submarine Group Five, U.S. Navy, has requested that the Corps disestablish the submarine operating area located north of Alcatraz Island in San Francisco Bay, San Francisco, California. The area was established by the Secretary of the Army in 33 CFR 334.1000 on November 28, 1961 (26 FR 11201), pursuant to the authorities in Section 7 of the Rivers and Harbors Act of 1917 (33 U.S.C. 1) and Section XIX of the Army Appropriations Act of 1919 (33 U.S.C. 3). According to these regulations, the Commandant, Twelfth Naval District can direct the movement of vessels passing in the vicinity of the submarine operating area. The Navy no longer requires the area for its operations and accordingly the area established in 33 CFR 334.1000 is deleted.

Economic Assessment and Certification

This rule is issued with respect to a military function of the Defense Department and accordingly, the provisions of Executive Order 12866 do not apply. These rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small businesses (i.e., small businesses and small governmental jurisdictions). The disestablishment of the restricted area will have no effect or impact on individuals, State or local governments or small businesses except that the restriction on passage through the area is lifted and all such entities may pass through at any time. Accordingly, the preparation of a regulatory flexibility analysis is not warranted.

List of Subjects in 33 CFR Part 334

Danger zones, Navigation (water), Transportation.

In consideration of the above, the Corps is amending part 334 of title 33 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

§ 334.1000 [Removed]

2. Section 334.1000 is removed.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–29809 Filed 12–6–93; 8:45 am]

BILLING CODE 3710–92–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[PR Docket No. 92–289; FCC 93–507]

222–225 MHz Frequency Band

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: This action creates a small new subband in the 222–225 MHz (1.25 m) band at 222.00–222.15 MHz where repeaters are prohibited. It also authorizes frequency privileges for Novice Class operators in the entire 1.25 m band. The rule changes are necessary so that there will be a small segment in the 1.25 m band where frequencies need not be shared with repeaters. In addition, Novice Class operators need to have more flexibility in selecting the mode of transmission that they want to use. The effects of the rule changes are to enhance experimentation possibilities, and to provide Novice Class operators with opportunities to become more proficient in a wider variety of amateur service operations.

EFFECTIVE DATE: February 1, 1994.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632–4964.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted November 19, 1993, and released December 2, 1993. The complete text of this Commission action, including the rule amendments, is available for inspection and copying during normal business hours in the FCC Reference Center (room 230), 1919 M Street, NW., Washington, DC. The complete text of this Report and Order, including the rule amendments, may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (ITS, Inc.), 2100 M Street, NW., suite 140, Washington, DC 20037.

Summary of Report and Order

1. The amateur service rules have been amended to create a small new subband at 222.00–222.15 MHz where repeaters are prohibited. The Commission said that the public interest requires that there be sufficient opportunities available for experimental activities. The Commission also said that a uniform, nationwide subband was needed where experimental operations could take place unaffected by repeater use.

2. The amateur service rules have also been amended by expanding the privileges of Novice Class operators by authorizing them the entire 1.25 m band. The Commission said that the additional frequency privileges will provide an opportunity for Novice Class operators to become proficient in a wider variety of amateur service operations. It will also give them more flexibility in selecting the mode of transmission that they want to use.

3. The amended rules are set forth at the end of this document.

4. The amended rules have been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520, and found to contain no new or modified form, information collection and/or record retention requirements, and will not increase or decrease burden hours imposed on the public.

5. This Report and Order and the rule amendments are issued under the authority of 47 U.S.C. 154(i) and 303(c), (f), and (r).

List of Subjects in 47 CFR Part 97

License privileges, Radio, Subbands.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Amended Rules

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 97—AMATEUR RADIO SERVICE

1. The authority citation for Part 97 continues to read as follows:

Authority citation: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

2. Section 97.201(b) is revised to read as follows:

§ 97.201 Auxiliary station.

* * * * *

(b) An auxiliary station may transmit only on the 1.25 m and shorter wavelength frequency bands, except the 222.00–222.15 MHz, 431–433 MHz, and 435–438 MHz segments.

* * * * *

3. Paragraph (b) of § 97.205 is revised to read as follows:

§ 97.205 Repeater station.

* * * * *

(b) A repeater may receive and retransmit only on the 10 m and shorter wavelength frequency bands except the 28.0–29.5 MHz, 50.0–51.0 MHz, 144.0–144.5 MHz, 145.5–146.0 MHz, 222.00–222.15 MHz, 431.0–433.0 Mhz, and 435.0–438.0 Mhz segments.

* * * * *

4. The entry under VHF in § 97.301(f) is amended by revising the frequencies authorized for use by Novice Class operators in ITU Region 2 to read as follows:

§ 97.301 Authorized frequency bands.

* * * * *

(f) For a station having a control operator holding a Novice Class operator license:

Wavelength band (VHF)	ITU region 1 (MHz)	ITU region 2 (MHz)	ITU region 3 (MHz)	Sharing requirements (See § 97.303, paragraph:)
1.25 m	.....	222–225	.....	(a)

* * * * *

[FR Doc. 93–29813 Filed 12–6–93; 8:45 am]
BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 58, No. 233
Tuesday, December 7, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93-NM-151-AD]

Airworthiness Directives; Boeing Model 747-100, -200, and -300 Series Airplanes Equipped With Pratt & Whitney JT9D Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747-100, -200, and -300 series airplanes. This proposal would require modification of the thrust reverser control system by installing a solenoid-operated shut-off valve. This proposal is prompted by incidents of deployment of the engine fan thrust reverser during flight. The actions specified by the proposed AD are intended to prevent such deployment, which could result in reduced controllability of the airplane.

DATES: Comments must be received by February 2, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-151-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: G. Michael Collins, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2689; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93-NM-151-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-151-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

There have been numerous incidents of inadvertent in-flight deployment of the engine fan thrust reverser on certain Boeing Model 747-100 and -200 series airplanes equipped with Pratt & Whitney JT9D series engines. Subsequent to these events, the flight crews noticed that the airplanes began to vibrate or yaw; in all cases, however, the flight crews were able to land the airplanes without further incident. Most of these events occurred on thrust reversers that had been deactivated; however, two recent events involved operational thrust reversers. Investigation of these recent incidents revealed that, if pneumatic pressure leaks from the stow port of the directional control valve (DCV) to the deploy port, and if the deploy line vent is plugged or restricted, the pneumatic drive unit (PDU) can cycle to the "reverser deploy" position. Furthermore, when the flight crew reduces the throttle to idle, either during flight or on the ground, the regulator shut-off valve opens and full air pressure flows to the reverser drive gear motor; consequently, if the PDU cycles to the deploy position, the engine fan thrust reverser will deploy. If such deployment occurs during flight, it could result in reduced controllability of the airplane.

Although no Model 747-300 series airplanes were involved in the incidents prompting this AD action, those airplanes may be equipped with Pratt & Whitney JT9D engines and thrust reverser systems similar to those of Model 747-100 and -200 series airplanes. Therefore, the Model 747-300 may be subject to the same unsafe condition identified in the Model 747-100 and -200.

The FAA has reviewed and approved Boeing Service Bulletin 747-78-2052, Revision 4, dated March 23, 1989, that describes procedures for modifying the thrust reverser control system by installing a solenoid-operated shut-off valve. This modification also entails removing the motor-driven thrust reverser sequencing mechanism (TRSM), extending the turbine clutch actuator supply line, and revising the engine wiring. Installation of a solenoid-operated shut-off valve will prevent the flow of pressurized air to the thrust reverser PDU during flight and, consequently, preclude inadvertent engine fan thrust reverser deployment during flight.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require modification of the thrust

reverser control system to include a solenoid-operated shut-off valve. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 223 Boeing Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 126 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 128 work hours per airplane to accomplish the proposed modification, and that the average labor rate is $55 per work hour. Required parts would cost approximately $8,930 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,012,220, or $15,970 per airplane.

The total cost figure discussed above is based on assumptions that no operator has yet accomplished the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The FAA recognizes that the proposed modification would require a large number of work hours to accomplish. However, the 24-month compliance time specified in paragraph (a) of this proposed AD should allow ample time for the modification to be accomplished coincidentally with scheduled major airplane inspection and maintenance activities, thereby minimizing the costs associated with special airplane scheduling.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 93–NM–151–AD.

Applicability: Model 747–100, –200, and –300 series airplanes equipped with Pratt & Whitney JT9D series engines, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent engine fan thrust reverser deployment during flight, which could result in reduced controllability of the airplane, accomplish the following:

(a) Within 24 months after the effective date of this AD, modify the thrust reverser control system to include a solenoid-operated shut-off valve in accordance with Boeing Service Bulletin 747–78–2052, Revision 4, dated March 23, 1989.

Note: Airplanes on which the modification has been accomplished previously in accordance with Boeing Service Bulletin 747–78–2052, Revision 3, dated August 27, 1987, are considered to be in compliance with this paragraph.

(b) As of the effective date of this AD, no person shall install a Pratt & Whitney JT9D series engine on any airplane unless the thrust reverser control system installed on that engine has been modified to include a solenoid-operated shut-off valve in accordance with Boeing Service Bulletin 747–78–2052, Revision 4, dated March 23, 1989.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on December 1, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–29796 Filed 12–6–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 71

[Airspace Docket No. 93–ASW–43]

Proposed Establishment of Class D Airspace: Fort Worth, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class D airspace at Spinks Airport in Forth Worth, TX. A control tower is in operation at Fort Worth Spinks Airport with an associated airport traffic area. Airspace reclassification, effective September 16, 1993, has discontinued the use of the term "airport traffic area," replacing it with the designation "Class D airspace." While Spinks Airport has an operating control tower, it did not have a control zone. As a result of Airspace Reclassification, the requirement for two-way radio communication with the control tower at Fort Worth Spinks would lapse. The intended effect of this proposal is to provide adequate Class D airspace to contain instrument flight rules (IFR) operations and required two-way radio communications at Spinks Airport in Forth Worth, TX.

DATES: Comments must be received on or before January 20, 1994.

ADDRESSES: Send comments on the proposal in triplicate to Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 93–ASW–43, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76 193–0530.

The official docket may be examined in the office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the System Management Branch, Air Traffic Division Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT:

Joe Chaney, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: 817–624–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed under the caption "ADDRESSES." Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement: "Comments to Airspace Docket No. 93–ASW–43." The postcard will be date and time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, at 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, System Management Branch, Department of Transportation, Federal Aviation Administration, Forth Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A that describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class D airspace at Spinks Airport in Fort Worth, TX. A control tower is in operation at Forth Worth Spinks Airport with an associated airport traffic area. Airspace reclassification, effective September 16, 1993, has discontinued the use of the term "airport traffic area," and for controlled airspace at an airport with an operating control tower, replaced it with the designation Class D airspace." While Spinks Airport has an operating control tower, it did not have a control zone. As a result of Airspace Reclassification, the requirement for two-way radio communication with the control tower at Fort Worth Spinks would lapse. The intended effect of this proposal is to provide adequate Class D airspace to contain IFR operations and require two-way radio communications at Fort Worth Spinks Airport.

The coordinates for this airspace docket are based on North American Datum 83. Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993 which is incorporated by reference in 14 CFR 71.1 (58 FR 36 298; July 6, 1993). The class D airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(1) Is not a "significant regulatory action" under Executive order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 5000 General.

* * * * *

ASW TX D Fort Worth Spinks, TX [New]
Fort Worth Spinks Airport, TX
(lat. 32°33'86"N., long. 97°18'58"W.)

That airspace extending upward from the surface to but not including 2500 feet MSL within a 4.1-mile radius of Forth Worth Spinks Airport.

* * * * *

Issued in Fort Worth, TX, on November 24, 1993.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 93–29818 Filed 12–6–93; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 307

Regulations Under the Comprehensive Smokeless Tobacco Health Education Act of 1986

AGENCY: Federal Trade Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Commission has extended for 60 days the time period within which comments will be received on the proposed amendments to the Commission's Regulations under the Comprehensive Smokeless Tobacco Act of 1986. The proposed amendments would require health warnings on sponsored race cars and other event-related objects that display the brand name, logo, or promotional message for a smokeless tobacco product. The original request for comments was announced in the Federal Register on November 4, 1993 (58 FR 58810).

DATES: Written comments will be accepted on or before February 1, 1994.

ADDRESSES: Send comments to Secretary, Federal Trade Commission, 6th & Pennsylvania Ave. NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Phillip S. Priesman, (202) 326–2484, or Judith P. Wilkenfeld, (202) 326–3150, Division of Advertising Practices,

Federal Trade Commission, 6th & Pennsylvania Ave. NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: The Commission has received requests for a 90-day extension of the comment period from United States Tobacco Company, the Pinkerton Tobacco Company, Conwood Company, L.P., Helme Tobacco Company, Professional Rodeo Cowboys Association, Penske Corporation, World of Outlaws, National Tractor Pullers Association, A.J. Foyt, Jr. Enterprises, National Association of Stock Car Auto Racing, United States Auto Club, and National Motorsports Council of ACCUS–FIA, to allow them to provide a complete response to the proposed revisions. The Commission has determined to grant the requests in part by extending the deadline for 60 days. This will provide those interested in submitting comments with a three-month notice and comment period without causing an unreasonable delay of final agency review of this matter. Accordingly, comments from any interested party will be accepted until February 1, 1994.

List of Subjects in 16 CFR Part 307

Health warnings, Smokeless tobacco, Trade practices.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93–29837 Filed 12–6–93; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 201–3, 201–4, 201–9, 201–11, 201–18, 201–20, 201–21, 201–22, 201–23, 201–24, and 201–39

Amendment of Miscellaneous FIRMR Provisions

AGENCY: Information Resources Management Service, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend several Federal Information Resources Management Regulation (FIRMR) provisions with regard to: Updating FIRMR references to GSA offices and symbols to reflect reorganizations within GSA; changing the definition of "performance validation; changing agency reporting and review requirements under the Federal IRM Review Program to relieve some of the administrative burden associated with these reviews; providing GSA advance notice of agency officials authorized to submit agency procurement requests (APRs); clarifying whether use of GSA services and contracts programs require delegations of procurement authority; requirements when one agency acquires FIP resources through another agency's contract; changing procedures for obtaining exceptions to the use of FTS2000 and clarifying that GSA makes determinations regarding whether the FTS2000 network will be used in an acquisition; and changing the Purchase of Telecommunications Services (POTS) Program from a mandatory-for-use program to a nonmandatory program.

DATES: *Comments Are Due:* February 7, 1994.

ADDRESSES: Comments may be mailed to GSA, Office of Information Resources Management Policy, Regulations Analysis Division (KMR), 18th and F Streets NW., room 3224, Washington, DC 20405, Attn: Anne Horth, or delivered to that address between 8 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Anne Horth, GSA/KMR, 18th and F Streets, NW., room 3224, Washington, DC 20405, telephone FTS/Commercial (202) 501–0960 (v) or (202) 501–0657 (tdd).

SUPPLEMENTARY INFORMATION: (1) Various sections of the FIRMR are being amended to update GSA offices and symbols. These changes result from several reorganizations within GSA.

(2) FIRMR part 201–4 is being amended to change the definition of "performance validation." The existing FIRMR definition may be construed to imply that benchmarking is the only method of performance validation. The definition is changed to reflect that benchmarking is not the only method of validation. FIRMR Bulletin C–4 is also being revised to reflect this change.

(3) FIRMR parts 201–11 and 201–22 are being amended to reflect changes in the Federal IRM Review Program. Under the current program, agencies conduct reviews of their IRM activities and are required to provide annual reports to GSA on their reviews. GSA assesses such reviews and provides a report to the Office of Management and Budget (OMB). GSA, in consultation with OMB, has re-evaluated this program. Over time, agencies have established review programs that are an important part of their IRM oversight and control, thereby improving their IRM management. Changes are being made to the Federal IRM Review Program that will reduce the reporting burden and should help agencies more effectively manage their IRM review activities. The changes will emphasize the importance of agency responsibilities under section 3506 of title 44, United States Code (the Paperwork Reduction Act). While agencies will be required to continue reviews of their IRM program, the focus on reporting to GSA will be on agency compliance with section 3506. In lieu of reporting annually to GSA, a report focusing on compliance will be required every three years. The IRM reviews will be conducted as a separate component of the GSA Information Resources Procurement and Management Reviews for the larger agencies. Smaller agencies will conduct self-assessments and provide certifications to GSA. FIRMR Bulletin C–6 is also being revised to provide details and procedures regarding how the review program will work.

(4) Section 201–20.305(a) is amended to require agencies to provide GSA the name, position title, and organizational identity of officials authorized to submit APRs for delegations or procurement authority;

(5) Section 201–20.305–1 is being amended to provide for regulatory delegations to Federal agencies for the use of GSA contracts or other Governmentwide agency contracts that GSA has approved for use by all Federal agencies. Agencies have raised questions as to whether or not agencies need to submit an APR and obtain a specific acquisition DPA to use services and contracts provided by IRMS through GSA or other agency contracts. This amendment will clarify that a specific acquisition DPA is not required to use services and contracts (other than nonmandatory schedule contract for FIP resources) provided by IRMS unless the services result in a contract which will be turned over to the agency after award. The amendment will serve to expedite acquisitions through existing programs.

(6) A new § 201–20.305–4 is being added that contains some basic procedures to be followed when one agency uses another agency's contracts for FIP resources. Questions have also arisen regarding use of the Economy Act and other procedures when acquiring FIP resources through another agency's contracts. The amendment will address requirements and limitations on use of these contracts. It will clarify that agencies do not need to comply with subpart 17.5 of the FAR concerning the Economy Act when they are acquiring or providing FIP resources under a regulatory, specific agency, or specific acquisition DPA, but FIP requirements must be within the scope of the contract being used. It will explain that agencies making their contracts available cannot exceed their delegated authority to

satisfy other agency requirements. Related FIRMR bulletins will contain additional information and procedures on these contracts and programs.

(7) Section 201–24.101–3 is being amended to: (i) Provide a new address to which requests for exceptions to the use of FTS2000 are submitted, and (ii) clarify procedures when an agency's intercity telecommunications may not fall within the scope of FTS2000. The first change results from a GSA reorganization that moved this activity from one office to another. The second change is to ensure that agencies follow appropriate procedures for acquiring intercity telecommunications services. This change will clarify that requirements for intercity telecommunications within the continental United States, Guam, Puerto Rico or the Virgin Islands must be submitted to GSA for inclusion in the FTS2000 program, or for making a determination as to whether a requirement is outside the scope of FTS2000.

(8) Section 201–24.104 is being deleted to reflect the removal of the POTS Program from GSA's mandatory programs. POTS will now be a nonmandatory program. The POTS Program was established as a way to ensure that agencies made sound and cost effective decisions in replacing telecommunications equipment and to make purchase options more desirable than lease. Because agencies have demonstrated their ability to acquire cost effective resources, GSA believes it is no longer necessary to operate this program on a mandatory basis. While not required to use POTS contracts, agencies will be encouraged to consider their use, since the contracts are competed and provide cost-effective services. If the contracts are used, a DPA is not required and the acquisitions do not have to be publicized in the Commerce Business Daily. This change is being made to allow more flexibility to agencies to acquire resources that are most advantageous to their individual needs.

(9) Subpart 201–39.8 is amended to remove provisions that require mandatory use of the POTS contracts. The POTS contracts will, in the future, be available for use as a nonmandatory source of supply. Also, the name of the program is changed to "Purchase of Telecommunications Services." It will still be referred to as POTS.

(10) The FIRMR Index is being amended to reflect references changed or added by this amendment.

(11) GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. GSA decisions are based on adequate information concerning the need for, and the consequences of the rule. This rule is written to ensure maximum benefits to Federal agencies. This Governmentwide regulation will have little or no net cost effect on society. It is certified that this rule will not have a significant economic impact upon a substantial number of small entities under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*).

List of Subjects in 41 CFR Parts 201–3, 201–4, 201–9, 201–11, 201–18, 201–20, 201–21, 201–22, 201–23, 201–24, and 201–39

Archives and records, Computer technology, Telecommunications, Government procurement, Property management, Records management, Federal information processing resources activities.

PART 201–3—THE FIRMR SYSTEM

1. The authority citation for part 201–3 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

§ 201–3.402 [Amended]

2. In § 201–3.402, paragraph (b), remove the words "Policy and Regulations Division (KMP)" and add in their place the words "Regulations Analysis Division (KMR)."

PART 201–4—DEEFINITIONS AND ACRONYMS

3. The authority citation for part 201–4 continues to read:

Authority: 40 U.S.C. 486(c) and 751(f).

4. In § 201–4.001, the definition of "performance validation" is revised as follows:

§ 201–4.001 Definitions.

* * * * *

Performance validation means the technical verification of the ability of a proposed FIP system configuration or replacement component to meet agency specified performance requirements.

* * * * *

PART 201–9—CREATION, MAINTENANCE, AND USE OF RECORDS

5. The authority citation for part 201–9 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

§ 201–9.202 [Amended]

6. In § 201–9.202–1, paragraph (b)(7), remove the words "Standards Branch (KMPS)" and add in their place "Regulations Analysis Division (KMR)."

§ 201–9.202 [Amended]

7. In § 201–9.202–2, paragraph (b)(1)(ix), remove the words "Authorizations Branch (KMAS)" and add in their place "Acquisition Reviews Division (KMA)."

PART 201–11—REVIEW AND EVALUATION

8. The authority citation for part 201–11 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

9. Sections 201–11.001 and 201–11.002 are revised to read as follows:

§ 201–11.001 General.

(a) GSA's responsibilities for the review and evaluation of agencies' information and records management activities stem from the Paperwork Reduction Act of 1980, the Brooks Act of 1965, and the National Archives and Records Administration Act of 1984. GSA carries out these responsibilities under the Federal Information Resources Management Review Program and the Information Resources Procurement and Management Review Program.

(b) The information and records management aspects of these programs are discussed in this part. However, part 201–22 of this chapter more fully describes the objectives, policies, and procedures governing these programs.

§ 201–11.002 Federal Information Resources Management Review Program.

(a) GSA manages this program of agency self reviews with particular emphasis on agency compliance with section 3506 of title 44, United States Code (the Paperwork Reduction Act). GSA serves as the focal agency for reporting on review results to the Office of Management and Budget.

(b) As part of these reviews, agencies shall review their information and records activities to ensure that the creation, maintenance, and use of the information and records that support agency programs are consistent with applicable laws and regulations. GSA issues a self-assessment guide to help agencies evaluate their compliance with legal requirements under the Federal IRM Review Program.

PART 201–18—PLANNING AND BUDGETING

10. The authority citation for part 201–18 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

§ 201–18.003 [Amended]

11. In § 201–18.003 remove the words "Authorizations and Management

Reviews Division (KMA)" and add in their place "Management Reviews Division (KMM)."

PART 201–20—ACQUISITION

12. The authority citation for part 201–20 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

§ 201–20.303 [Amended]

13. In § 201–20.303, paragraph (d)(2), remove the words "Policy and Regulations Division, (KMP)" and add in their place "Regulations Analysis Division (KMR)."

14. Section 201–20.305(a)(5) is added to read as follows:

§ 201–20.305 Delegation of GSA's exclusive procurement authority.

(a) * * *

(5) The DSO shall provide, in writing, the name, position, title, and organizational identity of officials authorized to submit a request for a DPA from GSA. This information shall be submitted to: General Services Administration/KMA, 18th and F Streets NW., Washington, DC 20405.

* * * * *

15. Section 201–20.305–1 is amended by revising paragraph (a)(2), revising paragraph (a)(3), and adding paragraph (a)(4) as follows:

§ 201–20.305–1 Regulatory delegations.

* * * * *

(a) * * *

(2) FIP related supplies regardless of cost, when no other FIP resources are part of the acquisition.

(3) FIP resources from the following GSA Governmentwide contracting programs:

(i) FTS2000 Program.

(ii) Consolidated Local Telecommunications Services (CLTS) Program.

(iii) Financial Management Systems Software (FMSS) mandatory Multiple Award Schedule (MAS) Contracts Program.

(iv) Purchase of Telecommunications Services (POTS) Program.

(v) Other services and contracts provided by GSA's Information Resources Management Service (IRMS) (other than nonmandatory schedule contracts for FIP resources), unless the service results in a contract which will be turned over to the agency after award. (A DPA is required for agency acquisitions conducted by IRMS when the contract will be turned over to the agency, including agency acquisitions conducted by the Federal Computer Acquisition Center.)

(4) FIP resources from Governmentwide agency contracts that are approved by GSA. See FIRMR Bulletin C–24.

* * * * *

16. A new § 201–20.305–4 is added:

§ 201–20.305–4 Procedures.

(a) Before an agency acquires FIP resources through another agency's contract, it must:

(1) Have a specific acquisition DPA for requirements not covered by regulatory or specific agency delegations, and

(2) Ensure that the agency providing the resources has a specific acquisition DPA from GSA which authorizes its contract to be used to satisfy other agency requirements for FIP resources if the total estimated amount of the contract to be used is above the regulatory or specific agency DPA threshold.

(b) Agency contracts for FIP resources which are awarded under a regulatory or specific agency DPA may be made available by the agency holding the contract to satisfy other agency requirements when the requirements and use by other agencies are written into the contract scope, the contract was awarded using competitive procedures, the using agency does not exceed its regulatory or specific agency DPA, the value of individual orders does not exceed $1 million, and total use by other agencies does not exceed ten percent (10%) of the contract value.

(c) Agencies may not exceed their regulatory or specific agency DPA thresholds when making contracts available for use by other agencies.

(d) Agencies need not comply with 48 CFR part 17, subpart 17.5 concerning interagency acquisitions under the Economy Act when acquiring or providing FIP resources under a regulatory, specific agency, or specific acquisition DPA from GSA.

PART 201–21—OPERATIONS

17. The authority citation for part 201–21 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f)

§ 201–21.403 [Amended]

18. In § 201–21.403, paragraph (a)(2)(ii), remove the words "Authorizations Branch (KMAS)" and add in their place "Acquisition Reviews Division (KMA)."

§ 201–21.603 [Amended]

19. In § 201–21.603, paragraphs (d)(1) and (d)(3), remove the words "Regulations Branch (KMPR)" and add in their place "Regulations Analysis Division (KMR)."

§ 201–21.604 [Amended]

20. In § 201.–21.604(a) remove the words "Authorizations Branch (KMAS)" and add in their place "Acquisitions Reviews Division (KMA)."

PART 201–22—REVIEW AND EVALUATION

21. The authority citation for part 201–22 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

22. Subpart 201–22.1 is revised to read as follows:

Subpart 210–22.1—Federal Information Resources Management (IRM) Review Program

Sec.

Subpart 201–22.1—Federal Information Resources Management (IRM) Review Program

§ 201–22.100 Scope of subpart.

This subpart prescribes policies and procedures for the Federal Information Resources Management (IRM) Review Program as it relates to the management and use of information and to the acquisition, management, and use of FIP resources.

§ 201–22.101 General.

(a) The Paperwork Reduction Act, as amended (44 U.S.C. 3501 *et seq.*) requires the Administrator of GSA to assist the Director of the Office of Management and Budget (OMB) in reviewing, at least once every 3 years, the information management activities of each agency. GSA serves as the focal agency for reporting to OMB on Federal IRM Review Program activities throughout the Government. GSA has additional review and oversight responsibilities under the Federal Property and Administrative Services Act and the National Archives and Records Administration Act.

(b) The main objectives of the Federal IRM Review Program are to determine if executive agencies are—

(1) Carrying out their information management activities efficiently and effectively;

(2) Complying with established IRM policies, procedures, standards, and guidelines; and

(3) Complying with the responsibilities assigned by the Paperwork Reduction Act.

(c) Additional information on the Federal IRM Review Program is contained in FIRMR Bulletin C–6.

§ 201–22.102 Policies.

Each executive agency shall designate an organization to be responsible for reviewing the agency's IRM activities. The agency's review organization shall—

(a) Have the authority to review programs, functions, and activities within the objectives and scope of IRM;

(b) Be responsive to established Governmentwide and agency-specific priorities; and

(c) Be responsible for meeting the reporting requirements of the Federal IRM Review Program.

§ 201–22.103 Procedures.

(a) Each executive agency shall establish an IRM review capability commensurate with the scope and complexity of the agency mission and program objectives.

(b) Each executive agency shall develop, for its own use, an IRM review plan that addresses, at a minimum, review priorities, objectives, compliance with 44 U.S.C. 3506, and planned reviews for the coming year.

(c) In accordance with FIRMR Bulletin C–6, each executive agency will report to GSA every three (3) years on the state of its compliance with section 3506 of title 44, United States Code (the Paperwork Reduction Act). This report will cover the following major areas:

(1) IRM policy compliance;

(2) Responsibilities of the agency's Designated Senior Official and accountability for acquisition of Federal information processing resources;

(3) Major information system inventories; and

(4) IRM review activities.

(d) GSA will conduct on-site reviews of agency compliance with section 3506 of title 44, United States Code (the Paperwork Reduction Act), at those agencies having the largest information technology budgets. These reviews will be conducted as a separate component of GSA's Information Resources Procurement and Management Reviews (IRPMRS). See subpart 201–22.2 for a description of IRPMRs.

PART 201–23—DISPOSITION

23. The authority citation for part 201–23 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

§ 201–23.003 [Amended]

24. In § 201–23.003, paragraphs (a) and (c), remove the words "Authorizations Branch (KMAS)" and add in their place "Acquisition Reviews Division (KMAD)."

PART 201–24—GSA SERVICES AND ASSISTANCE

25. The authority citation for part 201–24 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f)

26.–27. In § 201–24.24.101–2, paragraph (a) introductory text is revised to read as follows:

§ 201–24.101–2 Policies.

(a) Federal agencies shall use the FTS 2000 network to satisfy long distance telecommunications requirements within the continental United States, Guam, Puerto Rico and the Virgin Islands for requirements which are within the scope of FTS2000 network voice, data, and video services as such services become available unless:

* * * * *

§ 201–24.101–3 [Amended]

28. In § 201–24.101–3, paragraph (a) remove the words "Office of Network Service (KN), Customer Services Branch" and add in their place "Office of FTS2000 (T)."

29. In § 201–24.101–3, paragraph (d) is revised and a new paragraph (g) is added, as follows:

§ 201–24.101–3 Procedures.

* * * * *

(d) Any agency exception request shall be sent to the General Services Administration/Office of FTS2000 (T) at the appropriate offices listed in FIRMR Bulletin C–18.

* * * * *

(g) If an agency has a requirement for long distance telecommunications within the continental United States, Guam, Puerto Rico or the Virgin Islands that may not fall within the scope of FTS2000, the requirement shall be submitted to GSA/T for a final determination prior to acquisition action. An exception to the mandatory use of FTS2000 will be granted if, in GSA's opinion, the service cannot be provided by FTS2000. Additionally, if a requirement is above the thresholds in § 201–20.305–1 or thresholds established pursuant to § 201.305–2 of this chapter, and FTS2000 is not used, a specific acquisition delegation of procurement authority (DPA) must be obtained from GSA. A request for an exception and a DPA may be submitted simultaneously.

§ 201–24.102 [Amended]

30. In § 201–24.102, paragraph (c)(2), remove the words "Authorizations and Management Reviews Division" and add in their place "Acquisition Reviews Division."

§ 201–24.104 [Removed and Reserved]

31. Section 201–24.104 is removed and reserved.

PART 201–39—ACQUISITION OF FEDERAL INFORMATION PROCESSING (FIP) RESOURCES BY CONTRACTING

32. The authority citation for part 201–39 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

33.–34. Section 201–39.001, paragraph (b) is revised as follows:

§ 201–39.001 General.

* * * * *

(b) To assist Federal agencies in preparing solicitations for FIP resources, the General Services Administration (GSA) makes available standard solicitations and other guidance. Federal agencies can obtain copies of the standard solicitations by contacting: General Services Administration, Regulations Analysis Division (KMR), 18th and F Streets NW., Washington, DC 20405. Acquisition guides may be obtained by contacting: General Services Administration, Agency Liaison Division (KML), 18th and F Streets NW., Washington, DC 20405.

§ 201–39.101–6 [Amended]

35. In § 201–39.101–6, paragraph (b), remove "(KMPR)" and add in its place "(KMR)."

§ 201–39.104–1 [Amended]

36. In § 201–39.104–1, paragraph (b)(3), remove the words "Policy and Regulations Division (KMP)" and add in their place "Regulations Analysis Division (KMR)."

37. Sections 201–39.802, 201–39.802–1, 201–39.802–2, 201–39.802–3 are revised to read as follows:

§ 201–39.802 Purchase of Telecommunications Services (POTS) contracts.

§ 201–39.802–1 General.

(a) GSA has established nonmandatory POTS contracts to provide telecommunications supplies and services, including purchase, installation, maintenance, repair, de-installation, and relocation of both contractor-provided and Government-owned telephone equipment, at locations throughout the country.

(b) The POTS contracts are available for use by all Federal agencies. The requirements of subpart 201–39.5 and FAR part 5 do not apply to orders issued under a POTS contract.

(c) Federal agencies may obtain information and assistance concerning the use of POTS contracts from: General

Services Administration, Technical Contract Management Division (KVT), 18th and F Streets NW., Washington, DC 20405.

§ 201–39.802–2 Policies.

(a) Federal agencies may use POTS contracts to satisfy requirements when—

(1) The requirements are within the scope of the POTS contracts, and

(2) The Contracting Officer determines that placing an order under a POTS contract is the most advantageous alternative.

(b) Use of the POTS contracts is a competitive procedure when it results in the most advantageous alternative to meet the needs of the Government.

§ 201–39.802–3 Procedures.

Procedures for using the POTS program are contained in FIRMR Bulletin C–21.

38. Section 201–39.3304–1 is revised to read as follows:

§ 201–39.3304–1 Protest notice.

Within one working day after receiving a copy of the protest, the contracting officer shall give oral or written notice of the protest to: General Services Administration, Acquisition Reviews Division (KMA), 18th and F Streets, NW., Washington, DC 20405, telephone (202) 501–1566. If the protest involves an acquisition issued under a specific acquisition delegation of procurement authority (DPA), the DPA number shall be provided to GSA with the notice. If the protest involves an acquisition issued under a regulatory or specific agency DPA, the solicitation number and the total dollar value of the acquisition shall be provided to GSA with the notice.

FIRMR Index [Amended]

39. The following references in the FIRMR Index are revised to read as follows:

* * * * *

IRPMR program	201–11
	201–22
POTS	201–39.802
	Bulletin C–21

* * * * *

Dated: August 11, 1993.

Francis A. McDonough,

Assistant Commissioner for Federal Information Resources Management.

[FR Doc. 93–29492 Filed 12–6–93; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 931108–3308; I.D. 102593I]

Summer Flounder Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed specifications for the 1994 summer flounder fishery; request for comments.

SUMMARY: NMFS proposes specifications for the 1994 summer flounder fishery including a commercial catch quota further allocated into state quotas, and other restrictions. Regulations governing this fishery require the Secretary of Commerce (Secretary) to publish specifications for the fishery for the upcoming fishing year, after opportunity for public comment. This action is intended to fulfill this requirement and prevent overfishing of the summer flounder resource.

DATES: Public comments must be received on or before January 3, 1994.

ADDRESSES: Copies of the draft Environmental Assessment prepared for this action are available from Richard B. Roe, Director, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930–3799. Copies of supporting documents used by the Summer Flounder Monitoring Committee are available from David R. Keifer, Chairman, Summer Flounder Monitoring Committee, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901–6790. Comments on the proposed specifications should be sent to Richard B. Roe at the address listed above for the Northeast Regional Office. Mark the outside of the envelope "Comments on the 1994 Summer Flounder Specifications."

FOR FURTHER INFORMATION CONTACT: Hannah Goodale, 508–281–9101.

SUPPLEMENTARY INFORMATION:

Background

Section 625.20 of the regulations implementing the Fishery Management Plan for the Summer Flounder Fishery (FMP) outlines the process for determining the annual commercial catch quota and other restrictions for the upcoming summer flounder fishing year. The Summer Flounder Monitoring Committee (Committee), made up of representatives from the Atlantic States Marine Fisheries Commission, the Mid-Atlantic Fishery Management Council (Council), the New England Fishery Management Council and NMFS, is required to review, on an annual basis, scientific and other relevant information and to recommend a commercial catch quota and other restrictions necessary to achieve a fishing mortality rate of 0.53 in 1993 through 1995, and 0.23 in 1996, and thereafter. This schedule of fishing mortality rates is mandated by the FMP to prevent overfishing of the summer flounder resource and to rebuild its depleted stock.

The Committee is to review the follow information annually: (1) Commercial and recreational catch data; (2) current estimates of fishing mortality; (3) stock status; (4) recent estimates of recruitment; (5) virtual population analysis (VPA), a method for analyzing fish stock abundance; (6) levels of regulatory noncompliance by fishermen or individual states; (7) impact of fish size and net mesh regulations; (8) impact of gear other than otter trawls on the mortality of summer flounder; and (9) other relevant information. Pursuant to § 625.20, the Committee, after reviewing the above information, recommends certain measures which may be modified from year to year to ensure achievement of the appropriate fishing mortality rate. These measures include: (1) Commercial quota; (2) commercial minimum fish size; (3) minimum mesh size; (4) recreational possession limit within the range of 0 to 15 fish per person per day; (5) recreational minimum fish size; (6) recreational season; and (7) restrictions on gear other than otter trawls.

The regulations specify that the Committee's review will take place by August 15 with the proposed management measures to be published in the **Federal Register** by September 15. Under the existing assessment and monitoring process, it was impossible to meet the review and publication schedule specified in the regulations. In order to base deliberations on current data analysis, the Committee met in September, and its recommendations were conveyed to the Director, Northeast Region, NMFS, (Regional Director) by the Council at the September 29–30, 1993, meeting. So that the best available data can be used for future annual specifications, while still meeting codified publication schedules, the Council voted at its September meeting to prepare an amendment (Amendment 6) that would include a revised publication schedule. The revised schedule would require

annual publication of proposed commercial measures by October 15 and of recreational measures by February 15.

The Committee recommendations were based on stock projections derived from VPA results, with a target fishing mortality rate of 0.53 as specified in the FMP. Stock abundance projections for 1994 were conducted using low, mean, and high estimates of recruitment and the number of age 1 fish. The Committee chose to set the quota and other restrictions based upon the low estimate of recruitment for several reasons.

First, the stock is composed primarily of age 0–2 fish, and the fishery relies heavily on incoming recruitment. Because 1994 stock size is derived principally from estimated recruitment levels for 1993 and 1994, overestimates in recruitment would result in quotas that would exceed the target fishery mortality rate (F level).

Second, the probability of achieving the target F level is higher at the lower harvest level. NMFS staff estimate that there is an 80 percent probability that the proposed level of 26.7 million lbs (12.1 million kg) will achieve the target F level. The probability dropped as higher quota levels were analyzed.

Third, the estimate of the stock size in 1993 and 1994 assumes that: The 1993 quota is not exceeded; all landings are reported; and discard rates do not increase. Unreported commercial landings, highgraded catches, dumping by commercial fishermen, and noncompliance by recreational fishermen would all increase mortality rates. Such an increase in mortality would undermine the assumptions used to predict the estimated stock size for 1993 and 1994 and call into question the actual estimate itself.

Fourth, the FMP specifies that the target fishing mortality rate will be further reduced in 1996 (to 0.23). If a conservative quota level is implemented in 1994, and if recruitment in 1993/94 exceeds the assumed level, then spawning stock biomass will increase at a rate faster than estimated. Larger stock sizes in 1996 would provide for a larger quota that would minimize the impacts of the additional reduction in fishing mortality rate on fishermen.

Proposed Specifications

The Committee reviewed the data available and made the following recommendations which are hereby the proposed specifications for 1994: (1) A coastwide harvest limit of 26.7 million lbs (12.1 million kg); (2) a coastwide commercial quota of 16 million lbs (7.3 million kg); (3) a coastwide recreational harvest limit of 10.7 million lbs (4.8 million kg); (4) no change from the present minimum commercial fish size of 13 inches (33 cm); (5) no change in the present minimum-mesh size restriction of 5½-inch diamond (14.0 cm) or 6-inch square (15.2 cm); and (6) no change in the present minimum recreational fish size of 14 inches (35.6 cm).

Recreational catch data for 1993 will not be available until early in 1994, and the Committee will consider modifications to the recreational possession limit and recreational season after a review of that information. It is possible that the 1993 catch limit will be exceeded due to noncompliance by several states (CT, MD, VA, NC) with the possession limit and/or recreational season. These four states accounted for 35 percent of the recreational landings during the years 1980–89. If this is the case and the Committee recommends modifications to the recreational measures, a proposed rule will be published to notify the public and obtain comments.

Furthermore, the coastwide commercial quota is allocated by states according to § 625.20. This proposed rule sets forth the Regional Director's determination that a commercial quota equal to 16 million lbs (7.3 million kg) is necessary to assure that the specified fishing mortality rates are not exceeded. Table 1 presents the proposed 1994 commercial quota (16.0 million lbs, 7.3 million kg) apportioned among each state according to the percentage shares specified by Amendment 4 to the FMP (September 24, 1993; 58 FR 49937). These state allocations do not reflect the adjustments required under § 625.20 if 1993 landings exceed the quota for any state. A notification of allocation adjustment will be published in the **Federal Register** if such an adjustment is necessary.

TABLE 1.—1994 STATE COMMERCIAL QUOTAS (PROPOSED)

State	Share (%)	1994 quota (pounds)
ME	0.04756	7,612
NH	0.00046	74
MA	6.82046	1,091,653
RI	15.68298	2,510,149
CT	2.25708	361,258
NY	7.764699	1,223,943
NJ	16.72499	2,676,928
DE	0.01779	2,847
MD	2.03910	326,369
VA	21.31676	3,411,867
NC	27.44584	4,392,860

Classification

This action is authorized by 50 CFR part 625 and complies with the National Environmental Policy Act. The Committee's recommendation is to include supporting documents, as appropriate, concerning the environmental and economic impacts of the proposed action. An Environmental Assessment (EA) was prepared to analyze the impacts and consequences of the alternative quota levels considered.

Authority: 16 U.S.C. 1801 *et seq.*

List of Subjects in 50 CFR Part 625

Fisheries, Reporting and recordkeeping requirements.

Dated: December 1, 1993.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 93–29765 Filed 12–1–93; 3:19 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 58, No. 233
Tuesday, December 7, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

December 1, 1993.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection.

(2) Title of the information collection.

(3) Form number(s), if applicable;

(4) How often the information is requested;

(5) Who will be required or asked to report;

(6) An estimate of the number of responses;

(7) An estimate of the total number of hours needed to provide the information;

(8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

New Collection

- Rural Electrification Administration

Pre-loan Policies and Procedures for Electric Loans

On occasion

Small businesses or organizations; 75 responses; 300 hours

Sue Arnold, (202) 690–1078

- Rural Electrification Administration

State Telecommunications Modernization Plan

On occasion

Small businesses or organizations; 350 responses; 21,000 hours

Gary Allan, (202) 720–0729

- Soil Conservation Service

7 CFR part 623, Emergency Wetlands Reserve Program

SCS–LTP–8, SCS–LTP–9, SCS–LTP–10

One time program

Individuals or households; Farms; 450 responses; 525 hours

Donald L. Butz, (202) 720–1869.

Donald E. Hulcher,

Deputy Department Clearance Officer.

[FR Doc. 93–29814 Filed 12–6–93; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Public Hearing on Universal Service and the National Information Infrastructure

The National Telecommunications and Information Administration (NTIA) and the New Mexico State Corporation Commission (NMSCC) will, in conjunction with the FCC, hold a public hearing, titled "Communications and Information for All Americans: Universal Service for the Twenty-first Century," in Albuquerque, New Mexico at the Technical Vocational Institute (Smith Brasher Hall) on December 16, 1993, from 8 a.m. to 5:30 p.m.

To register for attending the hearing, fax or mail to Yvette Barrett, NTIA, Room 4888, Herbert C. Hoover Building, 14th and Constitution Ave. NW., Washington, DC 20230, fax (202) 482–6173, on or before December 8, 1993, the following information: name, title, company/affiliation, address, telephone number, fax number, areas of interest, and whether written testimony is intended to be provided for the record.

This information may also be communicated electronically through the NTIA Bulletin Board at (202) 482–1199.

FOR FURTHER INFORMATION CONTACT: James McConnaughey, (202) 482–1880, Office of Policy Analysis and Development.

Dated: December 1, 1993.

Alden Abbott,

Chief Counsel.

[FR Doc. 93–29860 Filed 12–6–93; 8:45 am]

BILLING CODE 3510–60–P

COMMISSION ON IMMIGRATION REFORM

Los Angeles Hearing

AGENCY: U.S. Commission on Immigration Reform.

ACTION: Announcement of hearing.

SUMMARY: This notice announces a public hearing of the Commission on Immigration Reform. The Commission was established by the Immigration Act of 1990 under section 141. The mandate of the Commission is to review and evaluate the impact of U.S. immigration policy and transmit to the Congress a report of its findings and recommendations. The Commission's first report to Congress is due on September 30, 1994.

The Commission will hear testimony from elected officials at the state, county and city levels. The focus of the hearing will be the impact of legal and illegal immigration on Los Angeles and the surrounding metropolitan area.

DATES: 7–9:30 p.m.

ADDRESSES: U.S. District Court House, 312 N. Spring Street, Court Room #4, Los Angeles, CA.

FOR FURTHER INFORMATION CONTACT: Beth Malks or Deborah Waller. Telephone: (202) 673–5348.

Dated: November 30, 1993.

Susan Forbes Martin,

Executive Director.

[FR Doc. 93–29763 Filed 12–6–93; 8:45 am]

BILLING CODE 6820–97–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Bahrain

December 1, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1994.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Bilateral Textile Agreement, effected by exchange of notes dated April 4, 1993 and June 9, 1993, between the Governments of the United States and Bahrain establishes limits for the period beginning on January 1, 1994 and extending through December 31, 1994.

A copy of the current bilateral agreement is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647-3889.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Information regarding the availability of the 1994 CORRELATION will be published in the **Federal Register** at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 1, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Textile Agreement, effected by exchange of notes dated April 4, 1993 and June 9, 1993, between the Governments of the United States and Bahrain; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1994, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textile products in the following categories, produced or manufactured in Bahrain and exported during the twelve-month period beginning on January 1, 1994 and extending through December 31, 1994, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
Group I 237, 239, 330–336, 338, 339, 340–342, 345, 347, 348–354, 359, 431–436, 438–440, 442–448, 459, 630–636, 638, 639, 640–647, 648, 649, 650–654, 659, 831–836, 838, 839, 840, 842–847, 850–852, 858, 859.	31,800,000 square meters equivalent.
Sublevels in Group I	
338/339	441,867 dozen.
340/640	212,000 dozen of which not more than 159,000 dozen shall be in Categories 340–Y/640–Y [1]

[1] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

Imports charged to these category limits for the period January 1, 1993 through December 31, 1993, shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the current bilateral agreement between the Governments of the United States and Bahrain.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–29857 Filed 12–6–93; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of an Import Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Bahrain

November 30, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a limit.

EFFECTIVE DATE: December 8, 1993.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Categories 340/640 is being increased for carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 58 FR 11219, published on February 24, 1993.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 30, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on February 19, 1993, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in Bahrain and exported during the twelve-month period which began

on January 1, 1993 and extends through December 31, 1993.

Effective on December 8, 1993, you are directed to to increase the current limit for Categories 340/640 to 212,000 dozen [1], as provided under the terms of the current bilateral agreement between the Governments of the United States and Bahrain.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93-29858 Filed 12-6-93; 8:45 am]

BILLING CODE 3510-DR-F

Adjustment of an Import Limit for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Thailand

November 30, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting a limit.

EFFECTIVE DATE: December 8, 1993.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-6717. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Group II is being increased for carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 53475, published on November 10, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 30, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 4, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on December 8, 1993, you are directed to amend further the November 4, 1992 directive to increase the 1993 Group II (Categories 237, 239, 330-359, 431-459, 630-659 and 831-859, as a group) limit to 207,451,253 square meters equivalent [1], as provided under the terms of the current bilateral textile agreement between the Governments of the United States and Thailand.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93-29859 Filed 12-6-93; 8:45 am]

BILLING CODE 3510-DR-F

[1] The limit has not been adjusted to account for any imports exported after December 31, 1992.

[1] The limit has not been adjusted to account for any imports exported after December 31, 1992.

DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Public Golf Course and Residential and Commercial Development in Jefferson Parish, LA

AGENCY: U.S. Army Corps of Engineers, New Orleans District, DOD.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers, New Orleans District (NOD) will prepare an Environmental Impact Statement (EIS) Disclosing the effects of the Estelle Plantation Partnership's (Estelle) plan to construct a public golf course and about 700 individual residences by placing fill in a 643-acre wetland site subject to Federal regulation near Marrero, Jefferson Parish, Louisiana. Estelle applied to the NOD for the necessary Federal permit and was subsequently informed that the project's scope and probable impacts required NOD to prepare an EIS before rendering a decision on the requested permit. Preparation of the EIS will be coordinated with Federal, state and local governmental agencies, environmental groups, landowners and interested parties. All comments received about the DEIS will be considered when preparing the Final EIS. The EIS will be a major source of information the NOD considers in its evaluation of the requested permit.

FOR FURTHER INFORMATION CONTACT: Questions regarding Estelle's project may be directed to Mr. Thomas C. Carrere, Estelle Planatation Partnership, 111 Veterans Boulevard, suite 1150, Metairie, Louisiana 70005, telephone (504) 832-4161.

Questions regarding the permit application may be directed to Dr. James Barlow or Ms. Julie Dorcey, CELMN-OD-SE, Department of the Army, Corps of Engineers—New Orleans District, P.O. Box 60267, New Orleans, Louisiana 70160, telephone (504) 862-2250 or (504) 862-1581.

Questions regarding the EIS may be directed to Mr. Robert Bosenberg, CELMN-PD-RS, Department of the Army, Corps of Engineers—New Orleans District, P.O. Box 60267, New Orleans, Louisiana 70160, telephone (504) 862-2522.

SUPPLEMENTARY INFORMATION:

1. Estelle's Project Concept

Estelle asserts that in the New Orleans metropolitan area, and especially Jefferson Paris, there is a need for housing and a separable need for public golfing facilities. Estelle claims that by combining the two components into a single project, both needs are addressed and a product is created that is more desirable and marketable than the individual components. The golf course would be a public (municipal) facility operated by Jefferson Parish under a long-term agreement. Construction of the course would begin immediately after the site is prepared and should be completed in two years. Approximately 700 individual houses would be constructed in several phases over a 5- to 10-year period. Work on phase one should begin shortly after the site is prepared.

2. Estelle's Site

Estelle's site is near Marrero, in Jefferson Parish, about 10 miles southwesterly from New Orleans, Louisiana, and is within the New Orleans Standard Metropolitan Statistical area (SMSA). A levee system protects Estelle's site and other properties from tidal flooding. A pumping system influences water levels within the levee system. Properties within the levee system are nearly all wetlands.

The site consists of about 350 acres of fresh marsh, 250 acres of wooded swamp and 43 acres of bottom land hardwoods. Filling these wetlands is an activity subject to the regulatory authority of the Corps of Engineers pursuant to Section 404 of the Clean Water Act. Estelle plans to use about 1,064,000 yards of fill to raise the elevation to a final grade just above sea level. About 12 months is needed to prepare the site for construction.

3. Status of Estelle's Permit Application

Estelle completed their application in December 1992. The NOD issued the public notice announcing the project and requesting public comment in February 1993. They then completed a preliminary review of public comments and environmental impacts, and concluded that the project could have significant environmental impacts. The NOD informed Estelle in July, 1993 of the need to prepare an EIS before rendering a decision on the requested permit.

4. Alternatives

Alternatives evaluated in the EIS will include:

1. No-action (no project).
2. Estelle's project.
3. Design variations of Estelle's project.
4. Estelle's concept located elsewhere in the SMSA; and at Estelle's site and elsewhere in the SMSA.
5. Only a public golf course, as well as.
6. Only a residential housing project.

5. NOD's Scoping Process

A public scoping meeting will be held to help determine issues to be included in the EIS. Informal meetings will be held to update interested parties and to collect information.

Significant issues to be addressed in the DEIS will include the impacts of the proposed project on biological, cultural, historic, social, economic, water quality, and human resources. Specific issues will be formulated based upon the scoping process.

6. The Scoping Meeting

A scoping meeting is tentatively planned for January 1994 at the Jefferson Parish Public School System Administration Building (The Media Center), 501 Manhattan Boulevard, Harvey, Louisiana. The NOD will issue a separate public notice for the scoping meeting announcing the date and time of the meeting, information on the meeting format and the date when the comment period will close.

The purpose of a public scoping meeting is to allow the general public, Federal, state and local governmental agencies, landowners, environmental groups and other interested parties an opportunity to assist the NOD in identifying significant issues to be addressed in the DEIS. Written comments will be accepted at least until the close of business on the 10th day following the scoping meeting.

All verbal and written comments received at the meeting and written comments received through the comment period will be reviewed, compiled and assessed. The NOD will prepare a scoping document summarizing the comments received and make that scoping document available to all meeting participants.

Availability of the DEIS

The DEIS is scheduled to be available for public review during December 1994. The exact scope of the DEIS and the need and timing for necessary studies will not be finally determined until after the public scoping meeting. These, or other factors, may affect the date the DEIS is ultimately made available for public review and comment.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93-29811 Filed 12-6-93; 8:45 am]

BILLING CODE 3710-84-M

Corps of Engineers

Notice of Availability of U.S. Patents for Non-exclusive, Exclusive or Partially Exclusive Licensing

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice.

In accordance with 37 CFR 404.6, announcement is made of the availability of the following of the following U.S. patents for non-exclusive, exclusive or partially exclusive licensing. All of the listed patents have been assigned to the United States of America as represented by the Secretary of the Army, Washington, DC.

Patent No.	Title	Issue date
4,375,026	Weld Quality Monitor	02/22/83
4,399,346	Optoelectronic Weld Travel Speed Sensor	08/16/83
4,445,989	Ceramic Anodes for Corrosion Protection	05/01/84
4,446,354	Otoelectronic Weld Evaluation System	05/01/84
4,489,531	Environmentally Adaptable Roof	12/25/84
4,571,985	Method and Apparatus for Measuring the Hydraulic Conductivity of Proous Materials	02/25/87
4,712,429	Windscreen and Two Microphone Configuration for Blast Noise Detection	12/15/87
4,738,532	Method of Calibrating an Optical Measuring System	04/19/88
4,757,654	Blister Pressure Relief Valve	07/19/88
4,797,026	Expandable Sand-Grid for Stabilizing an Undersurface	01/10/89
4,830,051	Rotary Filling and Emptying Valve	05/16/89
4,854,396	Pivoting Cutter for Ice Coring Auger	08/08/89
4,912,853	Reticle Plate and Method for Establishment of a North-Oriented or South-Oriented Line by Circumpolar Orientation	04/03/90
4,944,543	Ice Auger Extractor for Retrieving Augers or Similar Devices from a Bore Hole	07/31/90
4,946,570	Ceramic Coated Strip Anodes for Cathodic Protection	08/07/90
4,961,463	Thermosyphon Condensate Return Device	10/09/90
5,055,169	Method of Making Mixed Metal Oxide Coated Substrates	10/08/91
5,060,521	Reverse-Direct Stress Testing Device	10/29/91
5,062,120	Underwater Frazil Ice Detector	10/29/91
5,062,303	Encapsulated Actuator for Testing of Specimens	11/05/91
5,065,958	Helicopter Soft Snow Landing Aid	11/19/91

Patent No.	Title	Issue date
5,083,883	Lockable Pushbutton Pin Coupler	01/28/92
5,085,527	Computer Controlled Microwave Oven Water Content Determination	02/04/92
5,092,245	Explosive Stemming Device	03/03/92
5,117,065	Method of Joining Shielding Used for Minimizing EMI or RFI, and the Joint Formed by the Method	05/26/92
5,128,882	Device for Measuring Reflectance and Fluorescence of In-situ Soil	07/07/92
5,153,524	Testing Electromagnetic Shielding Effectiveness of Shielded Enclosures	10/06/92
5,176,466	Revetment Unit and Method for Protecting Shoreline or Waterway	01/05/93
5,178,361	Ball Valve Control	01/12/93
5,178,490	Wicket Dam Lifting Module	01/12/93
5,199,812	Hydraulic Fixed Strut Game	04/06/93
5,202,034	Apparatus and Method for Removing Water from Aqueous Sludges	04/13/93
5,211,700	Movable Dam Gate for Regulating Water in a Navigable Pass	05/18/93
5,214,896	Used Tire Construction Block	06/01/93
5,222,834	Collapsible Safety Prop for Waterway Dams	06/29/93
5,235,559	Method and Apparatus for Determining Bedload Thickness Employing Standing Wave Measurements	08/10/93
5,239,125	EMI/RFI Shield	08/24/93
5,241,132	Electromagnetically Shielded Door	08/31/93
5,245,771	Trailable Snow Plow for Off Road Use	09/21/93
5,246,862	Method and Apparatus for In-situ Detection and Determination of Soil Contaminates	09/21/93
5,248,200	Portable Asphalt Stress and Strain Measuring Device	09/28/93
5,250,192	Sludge Dewatering by Freezing	10/05/93
5,252,266	Control of the Hardening of Binders and Cements	10/12/93
5,255,993	Push Button Coupler	10/26/93

ADDRESSES: Director, Humphreys Engineer Center Support Activity, Office of Counsel, Kingman Building, Fort Belvoir, Virginia 22060–5580.

FOR FURTHER INFORMATION CONTACT: Patricia L. Howland or Alease J. Berry, telephone (703) 355–2160.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–29810 Filed 12–6–93; 8:45 am]

BILLING CODE 5000–03–M

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 93–116–NG]

Cascade Natural Gas Corp.; Long-Term Authorization to Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Cascade Natural Gas Corporation long-term authorization to import up to 10,000 MMBtu of natural gas per day from Canada over a term commencing on the date of the order and ending October 31, 1998.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 18, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–29846 Filed 12–6–93; 8:45 am]

BILLING CODE 6450–01–P

Energy Information Administration

Nuclear and Uranium Data Program Package Forms EIA–254, EIA–851, and EIA–858

AGENCY: Energy Information Administration, Energy.

ACTION: Notice of proposed changes to Forms EIA–254, "Annual Report on Status of Reactor Construction," EIA–851, "Domestic Uranium Mining Production Report," and EIA–858, "Uranium Industry Annual Survey," for the collection of 1994 data and solicitation of comments.

SUMMARY: Under its continuing effort to reduce paperwork and survey burden for respondents (as required by the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. 3501 et seq.), the Energy Information Administration (EIA) conducts a consultation program to provide the general public and other Federal agencies an opportunity to comment on proposed and continuing reporting forms for its surveys. This program helps to ensure that data requested can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and that the impact of collection requirements on respondents can be properly assessed. Currently, EIA is soliciting comments concerning proposed changes to Forms EIA–254, "Annual Report on Status of Nuclear Construction," EIA–851, "Domestic Uranium Mining Production Report," and EIA–858, "Uranium Industry Annual Survey," for the collection of 1994 data.

DATES: Written comments must be submitted within 30 days of the publication of this notice. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below of your intention to do so as soon as possible.

ADDRESSES: Send comments to Luther Smith; Energy Information Administration, U.S. EI–522, U.S. Department of Energy, Washington, DC 20585. Phone (202) 254–5565.

FOR FURTHER INFORMATION OR TO OBTAIN COPIES OF THE PROPOSED FORM AND INSTRUCTIONS: Requests for additional information or copies of the form and instructions should be directed to Luther Smith at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background

In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub. L. 93–275) and the Department of Energy (DOE) Organization Act (Pub. L. 95–91), the Energy Information Administration is obliged to carry out a central, comprehensive, and unified energy data

and information program which will collect, evaluate, assemble, analyze, and disseminate periodic data and information related to energy resources and reserves, availability, production, demand, technology, and economic and statistical information related to the adequacy of domestic energy resources and production capability to meet the Nation's near- and longer-term future needs.

The Form EIA–254 collects data on nuclear power plants planned or under construction, including plant ownership, design capacity, status, costs, and construction schedules and milestone dates.

The Form EIA–851 collects data on uranium production at conventional mills and nonconventional plants (byproduct recovery and in-situ leach plants).

The Form EIA–858 collects data on uranium raw materials activities (Schedule A) and uranium marketing (Schedule B).

Data collected on these forms provide a comprehensive statistical characterization of the domestic nuclear industry in these areas: new nuclear power plant construction activity, capacities of nuclear power plants planned and under construction, uranium reserves, potential future requirements for uranium production and enrichment facilities, uranium concentrate production, status of the industry's annual activities, and information about industry plans and commitments.

Published data from these surveys are used by the Congress, Federal and State agencies, the uranium and electric-utility industries, and the general public. Published data appear in the EIA publications, "World Nuclear Capacity and Fuel Cycle Requirements," "Uranium Purchases Report," "Uranium Industry Annual," and the "Annual Energy Review."

II. Current Actions

There are no changes to the data elements collected on Form EIA–254 or to Schedule A of Form EIA–858.

Summary of Changes

For the collection of 1994 data, the EIA–851 will collect uranium production data on a quarterly basis instead of a monthly basis as previously done. The frequency of reporting of EIA–851 data will remain quarterly. The "Provisions Regarding the Confidentiality of Information" section of the EIA–851 instructions has been modified to expand the type of information that would be releasable (see details below). The EIA maintains that the release of these data would not competitively harm responding firms.

For Schedule A of Form EIA–858, the "Provisions Regarding the Confidentiality of Information" section of the EIA–858, Schedule A instructions have been modified to expand the type of information that would be releasable (see details below). The EIA maintains that the release of these data would not competitively harm responding firms.

For the collection of 1994 data, contract/transaction data in Item 1 of Schedule B, Form EIA–858, will be collected on a new quarterly form (Schedule M) with a due date of one month after the end of the quarter. This increase in the frequency of collection resulted from recent structural changes in the U.S. uranium industry (including the creation of the U.S. Enrichment Corporation and the formation of a restricted U.S. market resulting from quotas and suspension agreements restricting uranium imports from the Republics of the Commonwealth of Independent States), and from a recent uranium requirements review conducted by EIA, in which Federal, industry, and public data users requested these data be collected and reported more frequently than annually. The EIA plans to publish these uranium contract/transaction data quarterly in aggregate form along with quarterly uranium production figures in a new report. Item 1 will also be modified as described below. Items 2 through 6 of Schedule B will continue to be collected on an annual basis with modifications as described below.

Detailed Description of Changes

The following is a detailed description of proposed changes to Schedule B of Form EIA–858 for collection of 1994 data:

For Item 1 (Contract)

Item 1 will be deleted from Schedule B of Form EIA–858. These data concerning new contracts and transactions under existing contracts will be reported on a new quarterly form, Schedule M. Schedule M will incorporate the data elements currently collected in Item 1 of Schedule B along with the following additions and modifications:

(1) A check off box will be added to identify low-enriched uranium derived from highly-enriched uranium originating in any of the Republics of the Commonwealth of Independent States (CIS).

(2) The identification of the tails and product assays for enriched uranium will be added.

(3) A check off box to identify CIS origin material that has been "grandfathered" by the Department of Commerce will be added. This is required to identify material not affected by the current suspension agreements.

(4) A check off box to identify CIS origin material that was imported and to which a quota had been applied will be added.

(5) A check off box will be added to identify imported material of CIS origin to which an import duty was applied. This will identify imports affected by the current suspension agreements.

(6) For each import, the U.S. Customs Service importer of record number and manufacturer's number will be added so that these can be checked against Bureau of the Census imports data for completeness.

(7) A check off box will be added to identify and differentiate spot or short-term and long-term contracts.

(8) Respondents will be asked to report U_3O_8 in pounds and, natural UF_6 and enriched uranium product in kilograms versus the current reporting of all uranium materials in pounds U_3O_8. This will also affect the reporting of prices which will use these revised units.

(9) The collection of pricing mechanism and price information in subitems G, K, L and M of Item 1 will be simplified.

(10) The collection of deliveries in sub-item J of Item 1 will be revised to collect actual and expected (versus firm and optional quantities).

(11) The number of years of deliveries requested in sub-item J of Item 1 will be modified, due to the new quarterly collection frequency, to include the current quarter of the current year, the remaining quarters of the current year, and the next 5 years (versus the current 15 years into the future). Respondents reporting new contracts will be required to file data for all of these time periods for the quarter in which the new contract was initiated. Respondents reporting deliveries under existing contracts will only be required to report the actual deliveries during the current quarter of the current year. All respondents will update projected deliveries for the next five years for each existing contract, once a year at the time that they submit their fourth quarter report.

For Item 2 (Inventories)

The reporting of prior year data will be removed and the reporting instructions will be modified to include explicitly pipeline and strategic inventories and the reporting of inventories held in custody agreements/

service agreements by convertors, enrichers, and fabricators for foreign companies. Domestic utilities will continue to report their uranium inventories held by converters, enrichers, and fabricators.

For Items 2, 3, 4 and 5

The units requested, i.e. U_3O_8 equivalent, should be calculated using the actual tails assay rather than using the 0.20 tails assays as previously asked for in the Schedule B, instructions, Item 1 subitem I.J.

Item 5 (Projected Enrichment Feed Deliveries and Unfilled Market Requirements)

The number of years of projected data requested annually will be reduced from 10 years to five years.

Item 6 (Uranium Used in Fuel Assemblies in the Survey Year)

The reporting of prior year data will be removed.

The "Provisions for Confidentiality" section of the instruction for Form EIA–851 and Schedules A and B of Form EIA–858 will be modified as follows.

(i) The following information/data elements on Form EIA–851 will not treated as confidential by the EIA:

a. Respondent company name, address, city, state and postal code (ZIP) (Respondent Identification).

b. Facility information (Item B).

c. Uranium concentrate production data (Item C).

d. Status information (Item D).

(ii) The following information/data elements on Schedules A and B, Form EIA–858, will not be treated as confidential by the EIA:

a. Respondent company name, address, city, state and postal code (ZIP) (Respondent Identification, page 1).

b. Exploration and development drilling holes and feet and projected estimates for the following year (Item 3).

c. Property Information (Item 7) and Mill or Plant Information (Item 13).

d. Rated capacity of a conventional mill and/or nonconventional plant (Item 14).

e. Operating status of a facility at the end of the survey year (Item 15).

f. Uranium concentrate production (under Item 16).

g. Employment by State (Item 17).

All other information collected on Form EIA–851, EIA–858 (Schedules A, B and M) will be treated as confidential information by the EIA to the extent possible under EIA's Disclosure Policy (see the "Provisions Regarding the Confidentiality of Information" section of the instructions for each form).

III. Request for Comments

Prospective respondents and other interested parties should comment on these proposed changes. The following general guidelines are provided to assist in the preparation of responses.

As a potential respondent:

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can the data be submitted using the definitions included in the instructions?

C. Can data be submitted in accordance with the response period specified in the instructions?

D. Will the current estimated burden of reporting for the Form EIA–254, -851, and -858 surveys be reduced or increased as a result of these changes? The current annual burdens for these forms per response are: EIA–254, 2 hours; EIA–851, 3 hours; and EIA–858, 25 hours.

E. Will the estimated cost of completing each of these forms, including the direct and indirect costs associated with the data collection, be reduced or increased as a result of these changes? Direct costs should include all costs, such as administrative costs, directly attributable to providing the requested information.

F. How can the revised Forms EIA–254, EIA–851, and EIA–858 Schedules A and B and the new Schedule M be improved?

G. Do you know of any other Federal, State, or local agency that collects similar data? If you do, specify the agency, the data element(s), and the means of collection.

H. How does your company define spot or short-term contracts?

As a potential data user:

A. Will these changes improve the usefulness of these data?

B. Can you use data at the levels of detail indicated on the Form EIA–254, EIA–851, and EIA–858?

C. For what purposes do you use the data? Please be specific.

D. How could the forms be improved to better meet your specific needs?

E. Are there alternate sources of data and do you use them? What are their deficiencies and/or strengths?

F. What data should be published that is not now being published? Please specifically address the publication changes issue regarding these forms/data changes.

The EIA also is interested in receiving comments from persons regarding their views on the need for the information contained in the surveys Form EIA–254, Form EIA–851, and Form EIA–858.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of these forms changes. The comments also will become a matter of public record.

Statutory Authority: Sections 5(a), 5(b), 13(b), and 52 of Public Law 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b), 790a, and section 205, Public Law 95–91, Department of Energy Organization Act, 42 U.S.C. 7135.

Issued in Washington, DC on December 1, 1993.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 93–29853 Filed 12–6–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 2406–002 and 2465–003]

Duke Power Co.; Intent To Prepare an Environmental Assessment and Conduct Public Scoping Meetings and Site Visit

December 1, 1993.

The Federal Energy Regulatory Commission (FERC) has received an application for relicensing of the existing Saluda Station Hydroproject, Project No. 2406–002, and Hollidays Bridge Hydroproject, Project No. 2465–003. The projects are located on the Saluda River, near Easley and Greenville, South Carolina, and Belton, and Greenville, South Carolina, respectively.

The FERC staff intends to prepare a Multiple Environmental Assessment (MEA) on the hydroelectric projects in accordance with the National Environmental Policy Act.

The MEA will objectively consider both site-specific and cumulative environmental impacts of the projects and reasonable alternatives, and will include an economic, financial and engineering analysis.

A draft MEA will be issued and circulated for review by all interested parties. All comments filed on the draft MEA will be analyzed by the staff and considered in the final MEA. The staff's conclusions and recommendations will then be presented for the consideration of the Commission in reaching its final licensing decision.

Scoping Meetings

Two scoping meetings will be conducted: Tuesday, January 11, 1994, 10 a.m. and 6 p.m., Hyatt Regency Greenville, 220 North Main Street, Greenville, South Carolina 29601.

Interested individuals, organizations, and agencies are invited to attend either

or both meetings and assist the staff in identifying the scope of environmental issues that should be analyzed in the MEA.

To help focus discussions at the meetings, a scoping document outlining subject areas to be addressed in the MEA will be mailed to agencies and interested individuals on the FERC mailing list. Copies of the scoping document will also be available at the scoping meetings.

Objectives

At the scoping meeting the FERC staff will: (1) Identify preliminary environmental issues related to the proposed projects; (2) identify preliminary resource issues that are not important and do not require detailed analysis; (3) identify reasonable alternatives to be addressed in the MEA; (4) solicit from the meeting participants all available information, especially quantified data, on the resource issues; and (5) encourage statements from experts and the public on issues that should be analyzed in the MEA, including points of view in opposition to, or in support of, the staff's preliminary views.

Procedures

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and assist the staff in defining and clarifying the issues to be addressed in the MEA.

Persons choosing not to speak at the meetings, but who have views on issues or information relevant to the issues, may submit written statements for inclusion in the public record at the meeting. In addition, written comments may be filed with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC., 20426, until February 11, 1994.

All written correspondence should clearly show the following caption on the first page: Saluda Station Hydroelectric Project, (FERC No. 2406) and/or Hollidays Bridge Hydroelectric Project, (FERC No. 2465).

Intervenors—those on the Commission's service list for this proceeding (parties)—are reminded of the Commission's Rules of Practice and Procedure, requiring parties filing documents with the Commission to serve a copy of the document on each person whose name appears on the official service list. Further, if a party or interceder files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Site Visit

A site visit to the Saluda Station and the Hollidays Bridge Hydroelectric projects is planned for January 10, 1994. Those who wish to attend should plan to meet at the Saluda Station Powerhouse at 2:00 PM. Any questions regarding the site visit or this notice should be directed to Gaylord W. Hoisington, at the Federal Energy Regulatory Commission, Office of Hydropower Licensing, 825 North Capitol Street, NE., Washington, DC 20426, (202) 219–2756.

Lois D. Cashell,

Secretary.

[FR Doc. 93–29787 Filed 12–6–93; 8:45 am]

BILLING CODE 6717–01–P

[Project Nos. 2596–002, 2584–003, 2582–002, and 2583–004

Rochester Gas and Electric Corp.; Availability of Supplement To Draft Multiple Project Environmental Assessment

December 1, 1993.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the applications for a subsequent license for the proposed Station No. 160, FERC Project No. 2596–002 Hydroelectric Project; and new licenses for the proposed Station No. 26, FERC Project No. 2584–003; Station No. 2, FERC Project No. 2582–002; and Station No. 5, FERC Project No. 2583–004 Hydroelectric Projects located on the Genesee River in Livingston and Monroe Counties, New York, in the towns of Leicester and Mount Morris and the city of Rochester, and has prepared a draft Multiple Project Environmental Assessment (MPEA) for the proposed projects. On September 30, 1993, the Commission issued a Notice of Availability of the draft MPEA, which was published in the **Federal Register** on October 7, 1993.

After further review of the application for subsequent license for the proposed Station No. 160 Project, the Commission has prepared a Supplement to the draft MPEA. Copies of the Supplement to the draft MPEA are available for review in the Public Reference Branch, room 3104 of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Please submit any comments on the Supplement to the draft MPEA within 30 days from the date of this notice. Comments should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Only comments that are relevant to Project No. 2596–002 should be filed. For further information, please contact Robert Bell, Project Manager, at (202) 219–2806.

Lois D. Cashell,

Secretary.

[FR Doc. 93–29785 Filed 12–6–93; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. EG94–7–000]

Brooklyn Energy Limited Partnership; Application for Determination of Exempt Wholesale Generator Status

December 1, 1993.

Take notice that on November 23, 1993, Brooklyn Energy Limited Partnership ("BELP") (c/o Lee M. Goodwin or Mary Ann Ralls, Reid & Priest, 701 Pennsylvania Avenue, NW, Washington, DC 20004) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's Regulations. According to its application, BELP is a Canadian limited partnership formed to own and operate an electric and steam generating facility to be located in Brooklyn, the Province of Nova Scotia, Canada.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments should be filed on or before December 21, 1993, and must be served on Applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–29786 Filed 12–6–93; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. EG94-5-000]

Northern Electric Power Co., L.P.; Filing

December 1, 1993.

Take notice that on November 26, 1993, Northern Electric Power Co., L.P. ("Northern Electric") (c/o Jonathan W. Gottlieb, Reid & Priest, 701 Pennsylvania Avenue, NW., Washington, DC 20004) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's Regulations.

Northern Electric states that it is a New York limited partnership formed to own a hydroelectric generating facility located on the Hudson River in Saratoga and Washington Counties, New York. Northern Electric further states that the New York Public Service Commission has determined that the facility will comply with the criteria set forth in § 365.3(b) of the Commission's Regulations.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments must be filed on or before December 21, 1993, and must be served on applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-29788 Filed 12-6-93; 8:45 am]

BILLING CODE 6717-01-P

Office of Fossil Energy

[FE Docket No. 93-119-NG]

Hesse Gas Co,; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Hesse Gas Company blanket authorization to import up to 36 Bcf of natural gas from Canada over a two-year term, beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 18, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93-29847 Filed 12-6-93; 8:45 am]

BILLING CODE 6450-01-P

[FE Docket No. 93-110-NG]

IGI Resources, Inc.; Order Granting Blanket Authorization To Export Natural Gas to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting IGI Resources, Inc. blanket authorization to export up to 50 billion cubic feet of natural gas to Canada over a two-year term beginning on the date of first export.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 16, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93-29848 Filed 12-6-93; 8:45 am]

BILLING CODE 6450-01-P

[FE Docket No. 93-109-NG]

Midwest Gas, a Division of Midwest Power Systems, Inc.; Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Midwest Gas, a division of Midwest Power Systems, Inc. authorization to import up to 100 Bcf of natural gas from Canada over a two-year term beginning on the date of the first delivery.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on November 12, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93-29849 Filed 12-6-93; 8:45 am]

BILLING CODE 6450-01-P

[FE Docket No. 93-117-NG]

Murphy Gas Gathering Inc.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Murphy Gas Gathering Inc. blanket authorization to import up to 75 Bcf of natural gas from Canada over a two-year term, beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 18, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93-29850 Filed 12-6-93; 8:45 am]

BILLING CODE 6450-01-P

[FE Docket No. 93-115-NG]

O&R Energy, Inc.; Order Granting Blanket Authorization To Import and Export Natural Gas From and to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting O&R

Energy, Inc. authorization to import up to 73 Bcf and to export up to 73 Bcf of natural gas from and to Canada over a two-year term beginning on the date of the first delivery of either imports or exports.

This order is available for inspection and copying in the Office of Fuels Programs docket room, 3F–056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 18, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–29851 Filed 12–6–93; 8:45 am]

BILLING CODE 6450–01–P

Office of Energy Efficiency and Renewable Energy

Electric and Magnetic Field Effects Research and Public Information Dissemination; Solicitation for Non-Federal Financial Contributions for Fiscal Year 1994

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice.

SUMMARY: The Department of Energy today solicits financial contributions from non-Federal sources to at least match $4,000,000 in Federal funding, in support of the national, comprehensive Electric and Magnetic Fields (EMF) Research and Public Information Dissemination Program, described in the Notice of Intent to Solicit Non-Federal Contributions, published November 9, 1993 (58 FR 59461). Section 2118 of the Energy Policy Act of 1992 (42 U.S.C. 13475) requires the Department of Energy to solicit funds from non-Federal sources to offset at least 50 percent of the total funding for all activities under this program. Section 2118 also precludes the Department of Energy from obligating funds for program activities in any fiscal year unless funds received from non-Federal sources are available in an amount at least equal to 50 percent of the amount appropriated by Congress. Appropriations for expenditure under section 2118 have been enacted under the Energy and Water Development Appropriations Act, 1994 (Pub. L. 103–126) in the amount of $4,000,000 for fiscal year 1994.

DATES: Non-Federal contributions are requested as soon as possible in order to implement the fiscal year 1994 program in a timely manner. No portion of the $4,000,000 in appropriated funds may be expended for fiscal year 1994 program activities until DOE has received from non-Federal sources at least the aggregate sum of $2,000,000.

ADDRESSES: Contributions should be made in the form of a check payable to "U.S. Department of Energy" and should include the following annotation: "For EPAct 2118, EMF Program". Contributions are to be mailed to: U.S. Department of Energy; Office of Headquarters Accounting Operations; Fiscal Operations Division, CR–54; P.O. Box 500; Germantown, MD 20875–0500.

FOR FURTHER INFORMATION CONTACT: For additional information contact Mr. Robert H. Brewer, Utility Systems Division, EE–141, U.S. Department of Energy, Washington, DC 20585, telephone (202) 586–2828.

Issued in Washington, DC, on December 1, 1993.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 93–29852 Filed 12–6–93; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 93–1456, CC Docket 91–141]

Clarification of Pleading Cycle for Replies to Petitions for Reconsideration in the Expanded Interconnection Proceeding

December 2, 1993.

On November 2, 1993 the Commission released a Public Notice (Report No. 1981) listing the Petitions for Reconsideration, Partial Reconsideration, and Clarification that were filed in response to two Orders in the Expanded Interconnection proceeding released on September 2, 1993 (FCC 93–378 and FCC 93–379). Report No. 1981 was inadvertently published in the **Federal Register** at two different times. It was initially published in the **Federal Register** on November 8, 1993 (58 FR 59266), stating that oppositions must be filed by November 23, 1993 and replies filed 10 days later. Report No. 1981 was inadvertently published again in the **Federal Register** on November 24, 1993 (58 FR 62126), stating that oppositions would be due on December 9, 1993, and replies due 10 days later.

To avoid confusion for parties interested in responding to the Petitions (listed below), we are clarifying the dates for filing replies to these petitions. All replies to the oppositions must be filed with the Commission by December 9, 1993. No replies filed after that date will be accepted.

Special Access (FCC 93–378)

Petitions for Reconsideration

WilTel Inc.
United States Telephone Association

Petitions for Partial Reconsideration

Ameritech
MFS Communications Company, Inc.

Switched Transport (FCC 93–379)

Petitions for Reconsideration

Association For Local Telecommunications Services
Competitive Telecommunications Association
GTE Service Corporation
Hyperion Telecommunications, Inc.
MCI Telecommunications Corporation
National Association of Regulatory Utility Commissioners
Sprint Communications Co.
Teleport Communications Group Inc.
WilTel Inc.

Petitions for Partial Reconsideration

MFS Communications Company, Inc.

Petitions for Reconsideration and Clarification

Rochester Telephone Corporation
United States Telephone Association

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

[FR Doc. 93–29887 Filed 12–3–93; 10:53 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; NOSAC ANS, et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties my submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 207–011438
Title: NOSAC/NYK Joint Service (North/South) Agreement.
Parties: NOSAC ANS, Nippon Yusen Kabushiki Kaisha.
Synopsis: The proposed Agreement authorizes the parties to establish a joint service in the trade between U.S. ports and points (including Alaska and the Hawaiian Islands) on the one hand, and ports and points in Mexico, Central America, South America, and the Caribbean Islands. The parties have requested a shortened review period.

Dated: December 2, 1993.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–29801 Filed 12–6–93; 8:45 am]

BILLING CODE 6730–01–M

Automated Tariff Filing and Information System Firms Certified for Batch Filing Capability [Of at Least One Type of Tariff]

As of December 1, 1993.
Dart Maritime Service, Bethlehem, Pennsylvania
Distribution Publications, Inc. ("DPI"), Oakland, California
D.X.I., Inc., Pittsburgh, Pennsylvania
Effective Tariff Management Corporation ("ETM"), Bowie, Maryland
Expeditors International ("EI"), Seattle, Washington
Flexible Business Systems, Inc., Miami, Florida
Japan-Atlantic and Gulf Freight Conference Tokyo, Japan
Japan-Puerto Rico & Virgin Island Freight Conference, Tokyo, Japan
King Ocean Central America, S.A. ("KOCA"), Gundo Alt, Panama
King Ocean Service de Venezuela, S.A. ("KOSDV"), Chuao, Caracas
Logistical Concepts Ltd. ("LCL"), Drexel Hill, Pennsylvania
Maersk Inc., San Francisco, California
Mariner Systems, Inc., San Francisco, California
Maritime Management International, Inc., Miami, Florida
Matson Navigation Company, Inc., San Francisco, California
Miller Traffic Service, Inc., Maywood, California
Nippon Yusen Kaisha ("NYK"), San Francisco, California
NVO Tariff Services, Fremont, California
NX Corp., Columbia, Maryland
Ocean Tariff Bureau, Long Beach, California
Pacific Coast Tariff Bureau ("PCTB"), San Francisco, California
Paramount Tariff Services, Ltd. ("PTS"), Torrance, California
Rijnhaave Information Services, Inc., and World Tariff Services, Inc. ("WTS"), Union, New Jersey
Sumner Tariff Services, Inc., Washington, DC
Tariff Data Services, Houston, Texas
Transamericas T.I.S., Inc., Falls Church, Virginia
Transax Data, Bridgewater, New Jersey
Trans-Pacific Freight Conference of Japan, Tokyo, Japan
Transportation Services, Inc. ("TSI"), Fort Lauderdale, Florida
U.S. Traffic Service, Torrance, California
Wallenius Lines AB, Woodcliff Lake, New Jersey
Wallenius Lines North America, Inc., Woodcliff Lake, New Jersey
Zim Container Service, Inc., New York, New York.

Note: In the certification process, some certificants used software developed by other firms and may not be holding themselves out to file tariffs for the public, generally.

Joseph C. Polking,

Secretary.

[FR Doc. 93–29793 Filed 12–6–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

[Docket No. R-0814]

Federal Reserve Bank Services; Correction

In FR Doc. 93-28196 published on November 17, 1993, on page 60651, in the middle column, in the 29th line down from the top of the column, "4.50" is corrected to read "4.75".

By order of the Board of Governors of the Federal Reserve System, December 1, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–29797 Filed 12–6–93; 8:45 am]

BILLING CODE 6210–01–F

Cardinal Bancshares, Inc., et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 27, 1993.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Cardinal Bancshares, Inc., Lexington, Kentucky; to engage *de novo* through its subsidiary, Mutual Service Corporation, Lexington, Kentucky, in securities brokerage activities through a joint employment arrangement with Compulife Investor Services, Inc. pursuant to § 225.25(b)(15) of the Board's Regulation Y.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Security Richland Bancorporation, Miles City, Montana; to engage *de novo* in providing investment or financial advice pursuant to § 225.25(b)(4)(iii) of the Board's Regulation Y. These activities will be conducted in the State of Montana.

Board of Governors of the Federal Reserve System, December 1, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–29798 Filed 12–6–93; 8:45 am]

BILLING CODE 6210–01–F

Iowa National Bankshares Corporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 30, 1993.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Iowa National Bankshares Corporation, Waterloo, Iowa; to acquire MidAmerica Financial Corporation, Waterloo, Iowa, and thereby engage in operating a savings association pursuant to § 225.25(b)(9); the origination and sale of student loans pursuant to § 225.25(b)(1)(i); and in trust services pursuant to § 225.25(b)(3) of the Board's Regulation Y. These activities will be conducted in the State of Iowa.

Board of Governors of the Federal Reserve System, December 1, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–29799 Filed 12–6–93; 8:45 am]

BILLING CODE 6210–01–F

Hal B. and Audrey M. McKinley, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 27, 1993.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Hal B. & Audrey M. McKinley, St. Ansgar, Iowa; to acquire 28.10 percent of the voting shares of The Newburg Corporation, St. Ansgar, Iowa, and thereby indirectly acquire Cedar National Bank, St. Ansgar, Iowa.

2. Ronald Howard Muck, to retain 21.35 percent of the voting shares of GN Bancorp, Inc., Chicago, Illinois, and thereby indirectly acquire Gladstone-Norwood Trust & Savings Bank, Chicago, Illinois.

Board of Governors of the Federal Reserve System, December 1, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–29800 Filed 12–6–93; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

Automotive Fuels Ratings, Certification and Posting

AGENCY: Federal Trade Commission.

ACTION: Grant of Partial Exemption from the Commission's Fuel Ratings Rule.

SUMMARY: The Commission has responded to the petition of Bennett Pump Company ("Bennett Pump"), a manufacturer of gasoline dispensers, on behalf of Wesco Oil Co. and other independent gasoline retailers (collectively, "the companies"), requesting permission to post octane ratings by use of octane labels that differ from certain of the specifications contained in the Commission's Automotive Fuel Ratings, Certification and Posting Rule ("the Rule").[1] The Commission has granted the partial exemptions, which will pertain to Models 9032, 9132, 9432 and 9532 of Bennett Pump's line of gasoline dispensers purchased by the companies. Pursuant to Rule 1.26 of the Commission's Rules of Practice, the Commission grants, for good cause, the requested relief without a notice and comment period because the Commission finds that such a procedure is unnecessary to protect the public interest in this case. The Commission previously has granted similar requests without notice and comment procedures.[2]

EFFECTIVE DATE: December 7, 1993.

FOR FURTHER INFORMATION CONTACT: Thomas D. Massie, Attorney, Division of Enforcement, Federal Trade Commission, Washington, DC 20580, (202) 326–2982.

SUPPLEMENTARY INFORMATION: On March 30, 1979, the Commission published the Octane Posting and Certification Rule in the **Federal Register** (44 FR 19160). The Rule established procedures for determining, certifying and posting, by means of a label on the fuel dispenser, the octane rating of automotive gasoline intended for sale to consumers. Pursuant to Section 15.01 of the Energy Policy Act of 1992, 106 Stat. 2776, the Rule has been amended to include requirements for disclosing the automotive fuel rating of liquid alternative fuels. The amended Rule became effective October 25, 1993.

Section 306.10 (formerly Section 306.9) of the Rule provides that retailers must post at least one octane rating label on each face of each gasoline dispenser. Retailers who sell two or more kinds of gasoline with different octane ratings from a single dispenser must post separate octane rating labels for each kind of gasoline on each face of the dispenser. Labels must be placed conspicuously on the dispenser so as to be in full view of consumers and as near

[1] Formerly known as the Octane Posting and Certification Rule (Octane Rule).

[2] See Octane Rule exemptions granted to Gilbarco, Inc. in 1988 (53 FR 29277); to Exxon in 1989 (54 FR 14072); to Sunoco in 1979 (44 FR 33740) and in 1990 (55 FR 1871); and to Dresser Industries in 1991 (56 FR 26821).

as reasonably practical to the price per gallon of gasoline.

Section 306.12 (formerly Section 306.11) of the Rule details specifications for the labels. Labels must be 3 inches wide by 2½ inches long, and Helvetica type must be used for all text except the octane rating number, which must be in Franklin Gothic type. Type size for the text and numbers is specified, and the type and border must be process black on a process yellow background. The line "MINIMUM OCTANE RATING" must be in 12 point Helvetica bold, all capitals, with letter spacing set at 12½ points. The line "(R+M)/2 METHOD" must be in 10 point Helvetica bold, all capitals, with letter space set at 10½ points. The octane number must be in 96 point Franklin Gothic Condensed, with ⅛ inch spacing between the numbers. Section 306.12(d) (formerly Section 306.11(d)) of the Rule further states that no marks or information other than that called for by the Rule may appear on the label.

Bennett Pump's Current Proposal

Bennett Pump has redesigned an existing line of multi-grade, multi-nozzle gasoline dispensers as a line of multi-grade, single nozzle gasoline dispensers designated Models 9032, 9132, 9432 and 9532. Since there is only one nozzle that may dispense up to 4 grades of gasoline, the price per gallon display cannot be mounted above the hose and nozzle as was the case with the multi-grade, multi-nozzle dispensers. For this new type of gasoline dispenser, Bennett Pump has elected to use a unified display and a selector switch area. The selector switch for each grade of gasoline is directly below the respective price per gallon display and is approximately the same size. Above the price per gallon displays is the gauge that displays the running total sale price and the number of gallons pumped. Under this arrangement it is difficult for a gasoline retailer to affix the standard octane label where it would be conspicuous to the consumer and still be as near as practical to the price per gallon display. Bennett Pump's solution to this problem is to incorporate the octane label into the appropriate selector switch. The standardized selector switch is smaller than the size of the octane label specified by the Rule. Bennett Pump seeks a variance from the Rule to allow a smaller octane label.

In order to incorporate the octane label into the product grade selection switch, Bennett Pump proposes that retailers utilizing these gasoline dispensers be allowed to use an octane label that is 2.05 inches wide and 1.20 inches long with a .119 inch radius on all four corners. It also proposes that the words "MINIMUM OCTANE RATING" and "(R+M)/2 METHOD" be 11 point Helvetica medium, with letter space set at 2 points. The octane number would be 72 point Helvetica medium with 10 point spacing between the numbers. Bennett Pump asserts that these changes are necessary to enable the octane label to be incorporated in the product selector switches. Bennett Pump points out that the label specified by the Rule would require the use of custom-made selector switches and would require that the upper head and doors of the dispenser be made larger.

The advantages to incorporating the octane labels into the selector switches are twofold. One advantage is that it allows service station operators to purchase one single nozzle, multi-product gasoline dispenser at a time and still maintain the same appearance throughout the station since the single nozzle and multi-nozzle, multi-grade dispensers are similar in appearance and size. A second advantage is that it produces a substantial savings in development costs. Bennett Pump's engineering department estimates the cost of a custom-made switch the size of the octane label specified by the rule to be 2½ times the cost of an off-the-shelf switch and design costs for the larger upper head and doors that would be necessary would be $100,000. This does not include the cost of submitting these dispensers to UL and FCC for evaluation. Tooling to manufacture the new upper head and doors is estimated by Bennett Pump to be about $60,000. Other costs such as lost sales and additional manufacturing costs were not assessed.

The octane label size proposed by Bennett Pump is larger than labels approved by the Commission for use by Sunoco in 1979 (44 FR 33740) and 1990 (55 FR 1871) and the Wayne Division of Dresser Industries in 1991 (56 FR 26821) on behalf of Sunoco, Kocolene and Crown Oil (Dresser 1) and on behalf of Shell, Crown, British Petroleum, Chevron and Amoco (Dresser 2). See table below.

Year	Petitioner	Width (in)	Length (in)	Area (sq in)
1979	Sunoco	1.75	1.1875	2.08
1990	Sunoco	1.3125	1.3125	1.72
1991	Dresser 1	1.875	1.00	1.72
1991	Dresser 2	1.75	1.375	2.41
1993	Bennett	2.05	1.20	2.46

[The 1990 Sunoco exemption approval and the 1991 Dresser 1 exemption approval both allowed the insertion of the octane label into the product selector switch as Bennett Pump seeks to do. In each of these cases, the selector switch dimensions determine the size of the octane label that can be used. This arrangement has the advantage of requiring the consumer to look at and physically press the octane label in order to pump gasoline. Unlike the label variances granted to Sunoco and Dresser, Bennett Pump's proposal does not add the word "PRESS" to the label. The label variances granted to Sunoco and Dresser also allow the words "MINIMUM OCTANE RATING/(R+M)/2 METHOD" to be displayed on separate labels from the octane number. Bennett Pump proposes to include those words on the octane label as required by the Rule.

The Commission has determined that the labeling scheme proposed by Bennett Pump for use by the companies provides clear, conspicuous and easily readable disclosure to consumers of all Rule-required octane information and complies with the intent of the regulation. The Commission also has determined that the decision to grant the octane label variance requested does not adversely affect the public interest or result in any consumer injury.

Consequently, the Commission has decided to grant Bennett Pump's petition requesting permission for the companies to use the proposed octane labeling scheme, provided that in all other respects, the companies comply with the Rule's label specification.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93–29838 Filed 12–6–93; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Division of Research Grants; Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Division of Research Grants Behavioral and Neurosciences Special Emphasis Panel.

The meeting will be closed in accordance with the provisions set forth in sec. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications in the various areas and disciplines related to behavior and neuroscience. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301–594–7265, will furnish summaries of the meeting and roster of panel members.

Meeting to Review Individual Grant Applications

Scientific Review Administrator: Dr. Anita Sostek (301) 594–7358.

Date of Meeting: December 15, 1993.

Place of Meeting: Westwood Building, Rm 319C, NIH, Bethesda, MD (Telephone Conference).

Time of Meeting: 11:30 a.m.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 30, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–29771 Filed 12–6–93; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health

Division of Research Grants; Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Division of Research Grants Behavioral and Neurosciences Special Emphasis Panel.

The meeting will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications in the various areas and disciplines related to behavior and neuroscience. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301–594–7265, will furnish summaries of the meeting and roster of panel members.

Meeting To Review Individual Grant Applications

Scientific Review Administrator: Dr. Anita Sostek, (301) 594–7358.

Date of Meeting: December 17, 1993.

Place of Meeting: Westwood Building, Rm. 319C, NIH, Bethesda, MD (Telephone Conference).

Time of Meeting: 11 a.m.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 30, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–29770 Filed 12–6–93; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health

Statement of Organization, Functions and Delegations of Authority

Part H, chapter HN, (National Institutes of Health) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 58 FR 36214–5, July 6, 1993) is amended to reflect the reorganization of the Office of Management Assessment and Internal Control (OMAIC), Office of Management (OM), Office of the Director, National Institutes of Health (OD/NIH). This reorganization reflects NIH's recognition of the importance of management in achieving its goals and improving its effectiveness. It will further strengthen the oversight and review of NIH management activities and continued efforts to emphasize a proactive approach in assessing and improving the management and effectiveness of NIH resources, and improve the organizational arrangement for carrying out OM's directives/operations functions. The reorganization consists of (1) revising the Office of Administration (OA) and OMAIC functional statements to reflect the transfer of the functions of the Division of Management Policy (DMP) from the OA to the OMAIC; and (2) retitling the present OMAIC to the Office of Management Assessment (OMA).

Section HN–B, Organization and Functions, is amended as follows: (1) After the statement for the *Office of the Director (HNA), Office of Management (HNA9), Office of Administration (HNA92),* delete the functional statement in its entirety and substitute the following:

Office of Administration (HNA92). (1) Advises the Deputy Director for Management and staff on administration and management; (2) provides leadership and guidance on all aspects of administrative management; and (3) directs staff and service functions in the areas of budget and financial management, personnel management, contract and grant management, procurement, and logistics.

(2) After the heading *Office of Management Assessment and Internal Control (HNA95),* delete the title and functional statement in their entirety and insert the following:

Office of Management Assessment (HNA95). (1) Provides broad management oversight and advice to the Deputy Director for Management (DDM) and the Institutes, Centers, and Divisions (ICDs) on management reviews, corrective actions, and NIH-wide management of activities related to regulations, delegations of authority, Privacy Act requirements, records and forms management, organizational and functional analysis, and manual issuances; (2) conducts management assessments to improve component-specific and/or NIH-wide management effectiveness and efficiency of administrative management functions and systems, as well as broad-based management assessments of program areas as appropriate; (3) provides a centralized management survey and review capability to promote program integrity; (4) assumes the lead responsibility on cases received through the DHHS Office of Inspector General (OIG) hotline that are referred to NIH for action; (5) serves as NIH's central liaison on matters involving the OIG, the General Accounting Office, the DHHS Office of Audit, the Federal Bureau of Investigation, congressional staff members, etc., related to management

controls and audits; and (6) has overall responsibility for all matters—including the development and implementation of policy and the Annual Management Control Plan—related to management controls to prevent fraud, waste, abuse, and conflict of interest or the appearance of these, and develops a planned management oversight activity that focuses on early identification and prevention of such occurrences.

Dated: November 6, 1993.

Ruth L. Kirschstein,

Acting Director, NIH.

[FR Doc. 93-29772 Filed 12-6-93 8:45 a.m.]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Call for Public Comment on General Leasing Policies in the Central and Western Gulf of Mexico Planning Areas Under the Comprehensive Outer Continental Shelf (OCS) Natural Gas and Oil Resource Management Program for 1992–1997

AGENCY: Minerals Management Service (MMS), Department of the Interior.

ACTION: Call for public comments.

SUMMARY: MMS requests comments on general policies for leasing natural gas and oil resources in the Central and Western Gulf of Mexico planning areas. The alternatives to current policies range from changes in acreage made available for leasing to modifications in lease terms offered. When suggesting changes in leasing policies, respondents should include the rationale for and the objectives to be addressed by those changes.

DATES: Responses should be received by February 7, 1994.

ADDRESSES: Responses should be mailed to the Program Director, Office of Program Development and Coordination, Minerals Management Service (MS–4430), 381 Elden Street, Herndon, VA 22070. Hand deliveries may be made at 381 Elden Street, room 1324, Herndon, Virginia (call 1215 from lobby telephone). Envelopes or packages should be marked "Comments on Alternative Leasing Policies for the Gulf of Mexico." If any privileged or proprietary information is submitted that the respondent wishes to be treated as confidential, both the envelope and the contents should be marked "Confidential Information."

FOR FURTHER INFORMATION CONTACT: For information pertaining to this Call for Public Comment, telephone Paul Stang or Kim Coffman, Program Development and Planning Branch, at (703) 787–1215, or Dan Henry, Leasing Coordination Branch, at (703) 787–1192.

SUPPLEMENTARY INFORMATION: General comments on leasing policies are requested from States, local governments, Federal agencies, the oil and gas industry, environmental groups, and other interested individuals and groups to assist MMS and the Department of the Interior in planning for the Central and Western Gulf of Mexico sales remaining under the Comprehensive OCS Natural Gas and Oil Resource Management Program for 1992–1997. Comments will be considered for sales to be held subsequent to Sale 147, which is planned for Spring 1994. These comments will become part of new and ongoing studies to determine the effectiveness of the existing system of leasing and what alternatives are most appropriate. Neither MMS nor the Department of the Interior has preferred alternatives, and no decisions have been made to change the existing leasing system. Any decisions to adopt alternative approaches would be made on a sale-by-sale basis, and MMS would incorporate the views of interested parties in the analyses for the sale decisions.

Respondents may suggest alternative approaches or policies pertaining to size of sales or of individual tracts, timing, location, financial terms, or other aspects of sales. Comments should go beyond expressing support for, or opposition to, specific proposals and should state the rationale for their proposals and how they are expected to address public policy objectives. Respondents are requested to evaluate policies in light of those objectives specifically mentioned in this Call for Public Comment but should feel free to add and discuss other objectives as well. Respondents are encouraged to suggest policies that balance, or reconcile, objectives that are often considered to be in conflict.

Although the alternative approaches, and the information received in response to this Call for Public Comment, may be considered in planning for sales in areas other than the Central and Western Gulf of Mexico, it is not the intent of this Call for Public Comment to solicit information pertaining to other sales. Also, MMS will consider any policies suggested by respondents that can be implemented under existing law, whether or not they would require regulatory changes. Any proposals received that would require new legislation will be considered separately.

Background

In 1978, the Department of the Interior began a 5-year experiment with several alternative bidding systems. In the early 1980s, the Department replaced tract selection sales with areawide sales in the Gulf of Mexico (with industry nominations solicited under both systems). Analyses of these policies have been presented in reports by MMS, the Department of Energy, and the General Accounting Office. However, the OCS program now is faced with new conditions, such as real oil prices closer to their (lower) historical norms, maturation of activity in the Gulf of Mexico, movement into deeper waters, advances in 3–D seismic survey technology, and more independent but fewer major companies participating in OCS activities. Industry participation and bonus bids in recent OCS lease sales are much lower than they were for most of the 1980s; a large fraction of tracts now receive only a single bid—typically near the stipulated minimum bid requirement. A long-term, steepening decline is expected over the new few decades in both reserves and production of natural gas and oil from the Gulf of Mexico unless major new discoveries or much higher prices emerge. On the other hand, higher prices for natural gas and increased use of 3–D seismic data appear to be responsible for the increased interest in the hydrocarbon potential of the Gulf of Mexico, where in the past year the number of tracts bid on rose by 70 percent and the rig count almost doubled.

Leasing Objectives

The OCS Lands Act lists numerous objectives to be balanced in the planning and implementation of leasing policies. Leasing objectives and associated policies may differ from area to area on the OCS. Three generic categories of objectives are listed below but, as mentioned above, respondents are not limited to any particular list of objectives.

1. These objectives related to attaining highest social value of our natural resources over time. Such objectives consider the "economic, social, and environmental values of the renewable and nonrenewable resources contained in the outer Continental Shelf, and the potential impact of oil and gas exploration on other resources values of the outer Continental Shelf and the marine, coastal, and human environments," (43 U.S.C. 1344(a)(1)) as well as the effects of "[t]iming and

location of exploration, development, and production of oil and gas * * *" (43 U.S.C. 1344(a)(2)). Much of the public debate on the OCS program has addressed objectives within this category, focusing on whether our oil and gas resources are of higher value under lease with the private sector or in the Federal Government's (unleased) inventory; whether the value of industry employment, infrastructure, and technological innovation justifies special incentives for industry to continue to operate on and invest in the OCS; and whether the benefits associated with OCS oil and gas activities outweigh potential social or environmental costs.

2. Those objectives related to meeting Federal financial responsibilities—including the receipt of a fair return on public resources, generation of revenues for the Treasury, and avoidance of undue Federal liabilities. This category includes objectives related to the effect of the extent and pace of leasing on Federal bonus revenues (perhaps to the benefit or detriment of royalty revenues) and receipt of fair market value.

3. Those objectives related to adequately addressing concerns of interested parties—including the problem of uncertainty (for all affected parties). OCS policy decisions affect numerous parties, including State and local governments, the oil and gas industry, other businesses, other groups, and individuals. Concerns and objectives differ among parties, even within these groupings.

Alternative Approaches

A. Financial Terms of Leases

The retention of domestic oil and gas industry employment, exploration and production capabilities, technological innovation, and investment in support industries has been an important objective voiced by some observers concerned by the industry flight from the OCS to areas overseas. In future lease sales, a bidding system implemented under section 8 of the OCS Lands Act (43 U.S.C. 1337(a)(1)(H), so long as it is consistent with the duty to assure receipt of fair market value, could provide for leases containing a royalty holiday for a period of time or a royalty rate fixed at less than the current minimum of 12.5 percent for all tracts, for all tracts in deep water, or for selected tracts, such as previously relinquished tracts with qualifying wells or marginal tracts in shallow waters. If a royalty holiday were offered in a future lease sale, it is likely that its length would be based on expenditures, revenue received, volume produced, or length of time from initial production. Respondents commenting on these or other proposed incentives for new leasing should consider, among others, the objectives of minimizing administrative burden and avoiding distortion of production decisions.

In addition to the request for general comments, respondents are asked to consider the following questions.

Given the substantial capital investment required for exploration, development, and production in deep water, how much of a royalty holiday would be required for this to affect potential bidders' decisions?

On what basis should the extent of the holiday be measured (cost, time, revenues received, or volume of production)?

Would a lower, fixed royalty rate (below 12.5 percent) be preferable to a royalty holiday? What would be the advantages and disadvantages of a lower, fixed-rate royalty for new leases?

Would lower royalties for shallow-water tracts be an effective incentive to industry activity? If so, should it be offered on all tracts or on selected tracts? What kind of criteria should be used to select tracts for lower royalties?

Would greater latitude for lessees in the timing of oil and gas activities on the leasehold tracts enhance the value of leases and increase the likelihood that gas and oil are produced when they are most needed? If so, what kinds of flexibility in lease terms would be most appropriate and most effective?

B. Tracts Offered and Number of Tracts Leased

Large, contiguous tract offerings provide incentives for early seismic exploration and allow companies with very different assumptions and production strategies to bid on tracts with different characteristics. Such offerings provide greater flexibility to industry. The geophysical data-gathering industry is acquiring 3–D seismic data over large, contiguous areas of the Central and Western Gulf. Because of its cost, the generation of 3–D seismic data, which allows identification of minor prospects that would not be noticeable in 2–D seismic data, is claimed to be impracticable for traditional tract selection sales. Therefore, offering large, contiguous areas for lease may advance the state of science and technology and encourage the participation of small operators and the development of minor prospects, resulting ultimately in more produced resources.

On the other hand, there are concerns that, with the offering of huge numbers of tracts and the reduced number of bids, competition among bidders may not be sufficient for the Federal Government to obtain the full value of the tracts it leases. Some observers have noted that smaller sale areas allow for more focused analyses of potential environmental impacts of lease sales. These observers tend to favor fairly limited tract selection sales. However, this latter concern may be stronger for leasing in frontier areas than for the sales addressed in this Call for Public Comment.

MMS might address concerns about the size of tract offerings in various ways. The most obvious would restrict the acreage offered for lease. Offering large, contiguous portions of a planning area in each sale might address this objective while still meeting some of the objectives of those who support the current approach to sale size. The portions to be offered could be determined by geologic trends, water depth, resource potential, other factors, or some combination of these. Offering only one areawide sale each year (alternating Central and Western sales) might help address objectives related to "value" and competition. However, any proposals to restrict the number of tracts offered for lease should consider the need to include sufficient acreage of interest to industry to avoid adverse impacts on OCS exploration and production activity.

Another way to address "value" and concerns over the level of competition is to restrict the number of tracts leased, either through a cap on the number of leases issued or through raising the minimum bid. These alternatives would retain more of the benefits of the present system of leasing. Other alternatives that might raise bonus bid revenues are to provide more information on tracts (whether the most prospective tracts or all tracts), to lower effective royalty rates, or to extend the length of leases. Some combination of a higher minimum bid and a royalty holiday on deep-water tracts may meet several of the objectives discussed here.

In addition to any other general comments or information respondents may wish to provide, responses to the following questions are requested.

Should sale size vary according to conditions such as energy prices or number of acres under lease?

Would limits be appropriate on tracts offered, on tracts leased, or on other limiting factors, such as location?

What method should MMS use to choose the tracts included for a sale? Should entire geologic trends or large groups of contiguous tracts in promising areas be offered?

Should MMS offer all tracts nominated by industry, subject to nomination fees and a limited set of criteria for exclusion, such as environmental sensitivity and military use? If so, how should such a system work? What level of nomination fee would be appropriate, and how might that affect what tracts are nominated?

Should the minimum bid be raised? To what level? Should the minimum bid be the same for all tracts? If not, what criteria should be used to determine appropriate minimum bid levels and where to apply them?

Would a tract size smaller than the standard 5760 acres be appropriate? If so, under what conditions?

Tom Fry,

Director, Minerals Management Service.

[FR Doc. 93-29795 Filed 12-6-93; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Mazama, Munson Valley, and Panhandle Development Concept Plan/ Environmental Impact Statement for Crater Lake National Park, Oregon

AGENCY: National Park Service, Interior.

ACTION: Amendment of Notice of Intent previously published in the Federal Register.

SUMMARY: The November 12, 1993, issue of the **Federal Register** contained a Notice of Intent by the National Park Service that announced the initiation of work on a Development Concept Plan/ Environmental Impact Statement (DCP/ EIS) for Mazama, Munson Valley, and Panhandle areas within Crater Lake National Park. The Notice stated that public scoping meetings would be held in early December 1993. The Notice is hereby amended by specifying that the public meetings will be held in January 1994 as indicated below.

DATES: The dates and cities where the public scoping meetings will take place are:

January 10, 1994—Klamath Falls, Oregon
January 11, 1994—Medford, Oregon
January 12, 1994—Roseburg, Oregon
January 13, 1994—Portland, Oregon.

All meetings will begin at 7 p.m. The specific locations will be published in a National Park Service newsletter and in the local media prior to the meetings.

ADDRESSES: Written comments concerning the DCP/EIS should be sent to the Superintendent, Carter Lake National Park, P.O. Box 7, Crater Lake, Oregon 97604-0007.

FOR FURTHER INFORMATION CONTACT: Superintendent, Crater Lake National Park, at the above address or at telephone number (503) 594-2211.

Dated: November 24, 1993.

William C. Walters,

Deputy Regional Director, Pacific Northwest Region, National Park Service.

[FR Doc. 93-29855 Filed 12-6-93; 8:45 am]

BILLING CODE 4310-70-M

Chesapeake & Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting will be held at 1 p.m., Saturday, December 11, 1993, at the Old Post Office Building, 12th and Pennsylvania Avenue, Washington, DC.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mrs. Sheila Rabb Weidenfeld, Chairman, Washington, DC
Ms. Diane C. Ellis, Brunswick, Maryland
Brother James T. Kirkpatrick, F.S.C., Cumberland, Maryland
Ms. Anne L. Gorner, Cumberland, Maryland
Ms. Elise B. Heinz, Arlington, Virginia
Mr. George M. Wykoff, Jr., Cumberland, Maryland
Mr. Rockwood H. Foster, Washington, DC
Mr. Barry A. Passett, Washington, DC
Mrs. Jo Reynolds, Potomac, Maryland
Ms. Nancy C. Long, Glen Echo, Maryland
Ms. Mary Elizabeth Woodward, Shepherdstown, West Virginia
Dr. James H. Gilford, Frederick, Maryland
Mr. Edward K. Miller, Hagerstown, Maryland
Mrs. Sue Ann Sullivan, Williamsport, Maryland
Mr. Terry W. Hepburn, Hancock, Maryland
Mr. Laidley E. McCoy, Charleston, West Virginia
Ms. Jo Ann M. Spevacek, Burke, Virginia
Mr. Charles J. Weir, Falls Church, Virginia.

The agenda for the meeting includes presentation of Environmental Impact Statement on the Canal Parkway Study, scenic easement review, Integrated Pest Management review, vegetation concerns in the Oldtown area of the Canal and Superintendent's Report.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Thomas O. Hobbs, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: November 22, 1993.

Chrysandra L. Walter,

Acting Regional Director, National Capital Region.

[FR Doc. 93-29856 Filed 12-6-93; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 27, 1993. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by December 22, 1993.

Beth L. Savage,

Acting Chief of Registration, National Register.

FLORIDA

Osceola County

Colonial Estate (Kissimmee MPS), 2450 Old Dixie Hwy., Kissimmee, 93001455
First United Methodist Church (Kissimmee), 215 E. Church St., Kissimmee, 93001457
Kissimmee Historic District (Kissimmee MPS), Roughly bounded by Aultman St., Monument Ave., Penfield St. and Randolph Ave., Kissimmee, 93001454
Old Holy Redeemer Catholic Church (Kissimmee MPS), 120 N. Spoule Ave., Kissimmee, 93001456

St. Lucie County

Immokolee, 8431 Immokolee Rd., Fort Pierce, 93001450

MISSOURI

Miller County

Olean Railroad Depot, Main St. E of jct. with California St., Olean, 93001452

MONTANA

Lewis and Clark County

House of Good Shepard Historic District, Area surrounding jct. of 9th Ave. and N. Hoback St., Helena, 93001448

Treasure County

Yucca Theatre, 520 Division St., Hysham, 93001447

NEW YORK

Oneida County

New York Central Railroad Adirondack Division Historic District, NYCRR Right-of-Way, Remson vicinity, 93001451

TEXAS

Galveston County

SS SELMA (steamship), Address Restricted, Galveston vicinity, 93001449

Taylor County

Hilton Hotel, 986 N. Fourth St., Abilene, 85003658

WISCONSIN

Dane County

Hall, Samuel, House, 924 Hillside Rd., Albion, 93001445

Eau Claire County

Soo Line Locomotive 2719, Carson Park, Eau Claire, 93001453

Forest County

Chicago and North—Western Land Office (Public Library Facilities of Wisconsin MPS), 4556 N. Branch St., Waubeno, 93001446

[FR Doc. 93–29794 Filed 12–6–93; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Notice of Exemption

[Finance Docket No. 32370]

Idaho Northern & Pacific Railroad Company—Lease, Acquisition and Operation Exemption—Union Pacific Railroad Company

Idaho Northern & Pacific Railroad Company (INP), a noncarrier, has filed a notice of exemption: (1) To acquire by lease or purchase and operate rail lines of Union Pacific Railroad Company (UP) for a total distance of 290.52 miles in the States of Idaho and Oregon; and (2) to acquire incidental trackage rights over three rail lines of UP in Idaho. INP will become a class III rail carrier. The transaction was to be consummated on or after November 14, 1993.[1]

INP will lease and operate for a distance of 46.1 miles of rail lines as follows:

(1) The Joseph Branch from MP 0.0 at LaGrande, OR,[2] to MP 21.0 at Elgin, OR;[3]

(2) The Idaho Northern Branch from MP 5.0 at Maddens, ID, to MP 28.0 at Emmett, ID; and

(3) The Payette Branch from MP 27.0 to MP 29.1 at Emmett, ID.

INP will acquire by purchase 244.42 miles of rail lines as follows:

(1) The Joseph Branch from MP 21.0 at Elgin, OR, to MP 83.58 at Joseph, OR;

(2) The New Meadows Branch from MP 1.0 at Weiser, ID, to MP 84.55 at Rubicon, ID;

(3) The Idaho Northern Branch from MP 28.0 at Emmett, ID, to MP 99.68 at Cascade, ID; and

(4) The Payette Branch from MP 0.39 at Payette, ID, to MP 27.0 at Emmett, ID.

The incidental trackage rights that INP will acquire as part of the proposed transaction will be over the following lines:

(1) on its mainline between MP 519.0 at Weiser, ID, and MP 454.0 at Nampa, ID;

(2) on the Idaho Northern Branch between MP 0.00 at Nampa, ID, and MP 5.00 at Maddens, ID; and

(3) on the New Meadows Branch between MP 0.00 and MP 1.0 at Weiser, ID.

This transaction is related to a notice of exemption concurrently filed in Finance Docket No. 32371, *Rio Grande Pacific Corporation—Continuance in Control Exemption—Idaho Northern Pacific Railroad Company*, wherein Rio Grande Pacific Corporation seeks to continue in control of INP and two other class III railroads when INP becomes a rail carrier upon consummation of the transaction described in this notice.[4]

All comments must be filed with the Commission and served on: John D. Heffner, Gerst, Heffner, Carpenter & Precup, Suite 1107, 1700 K Street NW., Washington, DC 20006.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time.

The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 1, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–29841; Filed 12–6–93; 8:45 am]

BILLING CODE 7035–01–P

[1] Brotherhood of Locomotive Engineers filed a letter on November 19, 1993, concerning the correct filing and consummation date. Due to clerical error, the letter received November 5, 1993, was stamped received November 5 and 8, 1993. The actual and correct filing date of this notice is November 5, 1993.

[2] As part of the Joseph Branch lease, INP will use certain tracks at LaGrande Yard for switching and blocking cars.

[3] UP will retain operating rights on the Joseph Branch between MP 0.00 and 0.50.

[4] Rio Grande, a noncarrier holding company, owns 100 percent of the stock of INP. Rio Grande also owns and controls the following nonconnecting shortline rail carriers: Wichita, Tillman & Jackson Railway Company, and Nebraska Central Railroad Company. Control by Rio Grande of these two rail carriers was previously exempted in Finance Docket No. 32289.

[Docket No. AB–3 (Sub-No. 111X)]

Missouri Pacific Railroad Co.,—Abandonment Exemption—In Osage, Lyon and Morris Counties, KS

Missouri Pacific Railroad Company (MP) has filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to discontinue service over and abandon a 37.82-mile portion of the Hoisington Subdivision between milepost 388.25 near Osage City and milepost 425.0[1] near Council Grove, in Osage, Lyon and Morris Counties, KS.[2]

MP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee affected by

[1] A milepost equation consisting of milepost 425.69 and milepost 424.62 accounts for 1.07 miles.

[2] MP avers that, although The Denver and Rio Grande Western Railroad (DRGW) acquired overhead trackage rights on this segment in 1982, DRGW ceased using the rights in 1989. However, because of DRGW's existing trackage rights, MP may only discontinue service at this time. The effectiveness of this notice as to the abandonment will be contingent upon: (1) DRGW obtaining Commission approval or exemption to discontinue its trackage rights; and (2) MP informing any party requesting public use or trail use if and when such trackage rights are discontinued. *See Missouri Pac. R. Co.—Aban.—Osage & Morris Count., KS*, 9 I.C.C.2d 1228 (1993). Requests for public use or trail use conditions will not be acted upon until DRGW has relinquished its trackage rights.

the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective as to discontinuance only on January 6, 1994, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[3] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[4] and trail use/rail banking requests under 49 CFR 1152.29[5] must be filed by December 17, 1993. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 27, 1993, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Joseph D. Anthofer, 1416 Dodge Street, Room 830, Omaha, NE 68179.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Energy and Environment (SEE) has issued an environmental assessment (EA) recommending a condition advising MP against engaging in any salvage activities or otherwise disposing of the line until the Section 7 process under the Endangered Species Act, 16 U.S.C. 1536, has been completed. A condition to this effect will be imposed.

Public use or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

[3] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Energy and Environment in its independent investigation) cannot be made before the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[4] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[5] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so. Here jurisdiction will be retained at least until the exemption of the abandonment becomes effective after discontinuance of DRGW's trackage rights.

Decided: December 1, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93-29843 Filed 12-6-93; 8:45 am]

BILLING CODE 7035-01-P

Notice of Exemption

[Finance Docket No. 32371]

Rio Grande Pacific Corp.—Continuance in Control Exemption—Idaho Northern & Pacific Railroad Co.

Rio Grande Pacific Corporation (Rio Grande), a noncarrier holding company, has filed a notice of exemption to continue in control of Idaho Northern & Pacific Railroad Company (INP), Nebraska Central Railroad (NCR) and the Wichita, Tillman & Jackson Railway Company (Wichita), upon INP becoming a class III rail carrier.

INP, a noncarrier, has concurrently filed a notice of exemption in Finance Docket No. 32370, *Idaho Northern & Pacific Railroad Company—Lease, Acquisition and Operation Exemption—Union Pacific Railroad Company*, to acquire by lease or purchase and operate approximately 290.52 miles of rail line owned by Union Pacific Railroad Company (UP) in the States of Idaho and Oregon and to acquire incidental trackage rights over rail lines owned by UP in Idaho. Rio Grande expects that transaction to be consummated on or about November 14, 1993. Rio Grande owns 100 percent of the stock of INP.

Rio Grande acquired 49 percent of the stock of Wichita, a class III railroad established to operate railroad lines in Oklahoma and Texas. It now owns 100 percent of Wichita's stock. Wichita's present lease and operation of approximately 101.6 miles of railroad owned formerly by Union Pacific Corporation (UPC) subsidiary Missouri Pacific Railroad Company (MP) was exempted from regulation in Finance Docket No. 31787, *Wichita, Tillman & Jackson Railway Company—Lease and Operation Exemption—Missouri Pacific Railroad Company* and Finance Docket No. 31788, *Wichita, Tillman, & Jackson Railway Company—Lease and Operation Exemption—State of Oklahoma* (both not printed), both served January 8, 1991. Rio Grande established NCR, a new class III rail carrier to operate railroad lines in the State of Nebraska. It owns 100 percent of the stock. Nebraska's present lease and operation of approximately 248.44 miles of railroad owned and formerly operated by UPC subsidiary UP was exempted from regulation in Finance Docket No. 32290, *Nebraska Central Railroad Company*—Lease and Operation Exemption—Union Pacific Railroad Company (not printed), served June 18, 1993. Control by Rio Grande of Wichita and NCR was previously exempted in Finance Docket No. 32289, *Rio Grande Pacific Corporation—Continuance in Control Exemption—Nebraska Central Railroad Company* (not printed), served July 23, 1993.

Rio Grande states that: (1) The properties operated by these carriers do not connect with each other; (2) the continuance in control is not a part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11343. *See* 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505 (d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transactions. Pleadings must be filed with the Commission and served on: John D. Heffner, Gerst, Heffner, Carpenter & Precup, suite 1107, 1700 K Street NW., Washington, DC 20006.

Decided: December 1, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93-29842 Filed 12-6-93; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-33 (Sub-No. 83)]

Union Pacific Railroad Co.,—Abandonment—In Gilliam and Morrow Counties, OR; Notice of Findings

The Commission has issued a certificate authorizing Union Pacific Railroad Company (UP) to abandon its line of railroad known as the Heppner Branch, between milepost 0.00 near Heppner Jct. to the end of the line at milepost 45.4 near Heppner, a distance of approximately 45.4 miles, located in Gilliam and Morrow Counties, Oregon. The abandonment certificate will become effective January 6, 1994, unless the Commission finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is

likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and UP no later than 10 days after publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Section of Legal Counsel, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedure regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: December 1, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–29844 Filed 12–6–93; 8:45 am]

BILLING CODE 7035–01–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in the Conference Room of the Office of Director of Practice, suite 600, 801 Pennsylvania Avenue, NW., Washington, DC, on Wednesday and Thursday, January 12 and 13, 1994, from 8:30 a.m. to 5 p.m. each day.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in title 29 U.S. Code, section 1242(a)(1)(B) and to review the November 1993 Joint Board examination in order to make recommendations relative thereto, including the minimum acceptable pass score.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) has been made that the subject of the meeting falls within the exception to the open meeting requirement set forth in Title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: November 29, 1993.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 93–29839 Filed 12–6–93; 8:45 am]

BILLING CODE 4810–25–M

NUCLEAR REGULATORY COMMISSION

Proposed Generic Communication; Generic Letter on Availability and Adequacy of Design Bases Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of intent to take no further action on the issuance of the subject generic letter.

SUMMARY: The Nuclear Regulatory Commission (NRC) has decided not to issue the subject generic letter. This decision is discussed in Commission information paper SECY–93–292, dated October 21, 1993 and its associated Staff Requirements Memorandum, dated November 10, 1993 which are available in the Public Document Rooms. The proposed generic letter requests power reactor licensees to describe the programs that are implemented or planned to ensure design information for their facilities is correct, accessible, and maintained. A notice of opportunity for public comment on the proposed generic letter was published in the **Federal Register** on March 24, 1993. Twenty two comments were subsequently received. Based upon review of these public comments and the available informal Design Document Reconstitution information, the NRC has concluded that it would not significantly benefit the Agency in its licensee oversight functions to issue the proposed generic letter. The resolution of public comments received is discussed in Commission information paper SECY–93–292. Although the proposed generic letter will not be issued, the NRC expects licensees to maintain accurate and accessible design documents and will take whatever measures are necessary to ensure that the licensees have and use design information for their facilities that is correct, appropriately maintained, and accessible.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Eugene Imbro at (301) 504–2967.

Dated at Rockville, Maryland, this 30th day of November 1993.

For the Nuclear Regulatory Commission.

Gail H. Marcus,

Chief, Generic Communications Branch, Division of Operating Reactor Support, Office of Nuclear Reactor Regulation.

[FR Doc. 93–29807 Filed 12–6–93; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. PA–17]

Privacy Act of 1974: Addition of a Routine Use to the Pay and Leave System of Record (SEC–53)

AGENCY: Securities and Exchange Commission.

ACTION: Notification of new routine use and minor changes to description of existing system of records.

SUMMARY: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Securities and Exchange Commission is adding a routine use for the purposes of Salary and/or Administrative Offset, and disclosure to Collection/Credit Bureau Reporting Agencies, and amending the system notice of SEC–53 to reflect revisions to the location, categories of individuals and records in the system, storage, retrievability, notification procedure and record access procedure.

EFFECTIVE DATE: January 6, 1994.

FOR FURTHER INFORMATION CONTACT: Lawrence H. Haynes, Associate Executive Director (Finance), Tel. (202)–272–2750, Securities and Exchange Commission, 450 5th St. NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: This routine use is intended to modify the Pay and Leave system (SEC–53) to allow the Commission to use a manual or computer matching program for the purpose of identifying and locating individuals who are receiving Federal salaries or benefit payments and are delinquent in their repayment of debts owned to the U.S. Government under certain programs administered by the Securities and Exchange Commission ("Commission"). These programs allow collection of debts under the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365) by voluntary repayment, or by salary, administrative offset or under the provisions of the Cash Management Improvement Act Amendments (31 U.S.C. 3711, 3718), in conjunction with a manual or computer match by the Defense Manpower Data Center, Department of Defense (DMDC), and the U.S. Postal Service. This routine use will also allow the Commission to disclose to consumer reporting agencies (31 U.S.C 3711) information regarding a claim by the Commission which is determined to be valid and legally enforceable and to utilize a collection service (credit bureau) for collection purposes (31 U.S.C. 3718).

This change in the routine use of the Pay and Leave System will allow, for

the purpose of effecting salary, administrative offset and collection/credit bureau procedures against a person employed by that agency or receiving or eligible to receive some benefit payments from the agency, any other Federal agency the ability to exchange offset information with the Commission when the Securities and Exchange Commission, as a creditor or the other Federal agency, has a claim against that person.

SEC–53 is amended as follows:

1. System location: This section is revised to read: Securities and Exchange Commission, Office of the Comptroller, 450 5th St. NW, Washington, DC 20549.

2. Categories of individuals covered by the system: This section is revised to read: Records are maintained on all individuals employed by the SEC in prior and current calendar years.

3. Categories of records in the system: This section is revised to read: Payroll, leave, attendance, and historical records on magnetic tape or disc, card, microfiche, printout and other miscellaneous forms (i.e. W–4, retirement card).

4. Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Paragraph 5. is added to this section.

* * * * *

5. To the Defense Manpower Data Center, Department of Defense, and to the U.S. Postal Service to conduct manual or computer matching programs for the purpose of identifying and locating payments and those debtors delinquent in their repayments of debts owed to the U.S. Government under certain programs administered by the Commission in order to collect the debts under the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365) and the Cash Management Improvement Act Amendment (31 U.S.C. 3711, 3718) by voluntary repayment, or by administrative or salary offset procedures.

To any other Federal agency for the purpose of effecting administrative or salary offset procedures against a person employed by that agency or receiving or eligible to receive some benefit payments from the agency when the Commission as creditor has a claim against that person.

To collection reporting agencies and credit bureaus for the purpose of disclosing or collecting payments from debtors. Disclosure of information about persons who are receiving Federal salaries or benefit payments and are delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by the Commission may be made to other Federal agencies, but only to the extent of determining whether the person is employed by that agency and, if so, effecting administrative or salary offset procedures against the person.

5. Storage: This section is revised to read: Appropriate data is stored on magnetic tape or disc, microfiche and is shown on computer printouts. Such data is supported by the originals of hard copies (e.g., time attendance cards, tax withholding statements from employees).

6. Retrievability: This section is revised to read as follows: These records are indexed for individuals in alphabetical sequence by name or in numerical order by Social Security number.

7. System manager(s) and address: This section is revised to read: Assistant Executive Director (Finance), Securities and Exchange Commission, 450 5th St. NW., Washington, DC 20549.

8. Notification procedure: This section is revised to read: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the Privacy Act Officer, Securities and Exchange Commission, 450 5th St. NW., Washington, DC 20549.

9. Record access procedures: This section is revised to read:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Privacy Act Officer, Securities and Exchange Commission, 450 5th St. NW., Washington, DC 20549.

Dated: December 3, 1993.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–29974 Filed 12–3–93; 4:09 pm]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Cincinnati Stock Exchange, Incorporated

December 1, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Checkpoint Systems, Inc.
Common Stock, $.10 Par Value (File No. 7–11605)
Cobra Industries, Inc.
Common Stock, $.01 Par Value (File No. 7–11606)
Exide Corp.
Common Stock, $.01 Par Value (File No. 7–11607)
Midland Bank Plc
American Depositary Units (rep. 1 ADS, Ser. A1 & 1 ADS Ser. A2) (File No. 7–11608)
Wellsford Residential Property Trust
Ser. A Cum. Conv. Pfd. Shares of Beneficial Interest, $.01 Par Value (File No. 7–11609)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 22, 1993, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–29780 Filed 12–6–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Cincinnati Stock Exchange, Incorporated

December 1, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Associated Estates Realty Corp.
Common Shares, Without Par Value (File No. 7–11594)
Avalon Properties, Inc.
Common Stock, $.01 Par Value (File No. 7–11596)
Harte Hanks Communications, Inc.

Common Stock, $1.00 Par Value (File No. 7–11596)
Horizon Outlet Centers, Inc.
Common Stock, $.01 Par Value (File No. 7–11597)
Kimco Realty Corp.
Depositary Shares (rep. 1/10 sh. 7¾% Ser. A Cum. Red. Pfd. Stock, $1.00 Par Value (File No. 7–11598))
Louis Dreyfus Natural Gas Corp.
Common Stock, $.01 Par Value (File No. 7–11599)
Newfield Exploration
Common Stock, $.01 Par Value (File No. 7–11600)
Spieker Properties, Inc.
Common Stock, $.0001 Par Value (File No. 7–11601)
Sun Coast Plastics, Inc.
Common Stock, $.01 Par Value (File No. 7–11602)
Trident NGL Holding, Inc.
Common Stock, $.01 Par Value (File No. 7–11603)
Vesta Insurance Group, Inc.
Common Stock, $.01 Par Value (File No. 7–11604)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 22, 1993, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–29781 Filed 12–6–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

December 1, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

American Real Estate Investment Corp.
Common Stock, $.001 Par Value (File No. 7–11587)
Trident NGL Holding, Inc.
Common Stock, $.01 Par Value (File No. 7–11588)
Spieker Properties, Inc.
Common Stock, $.0001 Par Value (File No. 7–11589)
Sun Coast Plastics, Inc.
Common Stock, $.01 Par Value (File No. 7–11590)
Checkpoint Systems, Inc.
Common Stock, $.01 Par Value (File No. 7–11591)
Exide Corporation
Common Stock, $0.01 Par Value (File No. 7–11592)
Cobra Industries, Inc.
Common Stock, $.01 Par Value (File No. 7–11593)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 22, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–29782 Filed 12–6–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–33257; File Nos. SR–Amex–90–33; SR–CBOE–91–01; SR–NYSE–92–22; SR–Phlx–91–24; SR–PSE–91–19]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the American Stock Exchange, Inc. and Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Changes by the Chicago Board Options Exchange, Inc., the New York Stock Exchange, Inc., the Philadelphia Stock Exchange, Inc. and the Pacific Stock Exchange, Inc., Relating to Modifications of the Stock Price Maintenance Requirement for Equity Options

November 30, 1993.

I. Introduction

On December 17, 1990, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposal to amend Amex Rule 916, entitled "Withdrawal of Approval of Underlying Securities," to modify the stock price maintenance requirement for equity options[3] in order to allow the continued listing of options on certain low-priced equity securities.[4] The proposed rule change, as modified by Amendment No. 1, was published for comment in Securities Exchange Act Release No. 29005 (March 25, 1991), 56 FR 13345. The Commission received one comment letter on the proposal, as

[1] 15 U.S.C. 78s(b)(1) (1984).

[2] 17 CFR 240.19b–4 (1993).

[3] Currently, the options exchanges operate under uniform rules which require that a security underlying an equity option meet certain minimum guidelines for options trading ("initial options listing standards") and certain maintenance standards ("stock maintenance standards") in order for the underlying security to continue to be eligible for options trading.

[4] The proposal was modified by Amendment No. 1, which was filed with the Commission on March 11, 1991, and by Amendment No. 2, which was filed with the Commission on September 25, 1991. In addition, on May 27, 1992, the Amex amended its proposal to delete Commentary .06 to Amex Rule 916, which would have allowed the Amex to relist options on securities within six months of delisting provided the market price per share of the underlying security was at least $7.50 and provided, further, that the underlying security satisfied the Amex's requirements for continued approval of options trading. See letter from Ellen T. Kander, Special Counsel, Derivative Securities, Amex, to Thomas Gira, Branch Chief, Options Regulation, Division of Market Regulation ("Division"), SEC, dated May 27, 1992. Commentary .06 was deleted in order to ensure that any delisted options class would be recertified for listing only if the underlying security satisfied the Amex's initial options listing criteria ("Amendment No. 3").

modified by Amendment No. 1.[5] Amendment No. 2 was published for comment in Securities Exchange Act Release No. 29823 (October 15, 1991), 56 FR 54593. Following the publication of Amendment No. 2, the COOP withdrew its objections to the Amex's proposal and endorsed the Amex's filing.[6]

The Commission also received identical proposals from the Chicago Board Options Exchange, Inc. ("CBOE"),[7] the New York Stock Exchange, Inc. ("NYSE"),[8] the Philadelphia Stock Exchange, Inc. ("Phlx"),[9] and the Pacific Stock Exchange, Inc. ("PSE"),[10] (hereafter referred to collectively with the Amex as the "Exchanges").

II. Description of the Proposals

Currently, the Exchanges' rules restrict the Exchanges from listing new series of equity options when the security underlying the option is trading below $5.[11] The Exchanges' rules also require them to delist equity options when the market price per share of the underlying stock closes below $5 on the majority of the business days during the preceding six calendar months. The Exchanges represent, however, that this stock price maintenance requirement has been unduly restrictive given current market conditions, causing certain options to be needlessly delisted. Specifically, the Exchanges represent that they "have encountered instances where market conditions have eroded share prices for securities underlying options, even though the decline in stock prices does not correspond to any erosion in the quality of the issuers, as exemplified by the fact that the issuers continue to meet all other maintenance requirements."[12]

Accordingly, the Exchanges have proposed to lower the stock price maintenance standard for certain low-priced securities. Specifically, the Exchanges have uniformly proposed that an equity option can remain listed if the price of the underlying security falls below $5 provided that: (i) The aggregate market value of the underlying company equals or exceeds $50 million; (ii) the customer open interest (reflected on a two-sided basis) in the option equals or exceeds 4,000 contracts; and (iii) the trading volume in the underlying security (in all markets on which the underlying security is traded) equals or exceeds 2,400,000 shares in the preceding 12 months. The Exchanges' proposals also contain a "step-up" procedure under which the market price of the underlying security must increase to comply with the $5 stock price maintenance standard by the end of a one-year period. In particular, for six months after a security has failed to close at or above $5 on a majority of the business days during the preceding six calendar months, new options series on the security can only be listed if the market price per share of the underlying security closes at or above $3 on a majority of the business days during the preceding six calendar months. In addition, new options series can only be added when the price of the underlying security is at or above $3.[13] After this six-month period, the $3 standard is replaced with a $4 standard. Therefore, new options series can only be listed if the underlying security closes at or above $4. After these two six-month periods, the underlying security must then comply with the original $5 stock price maintenance requirement. Accordingly, under the Exchanges' proposals, while an equity option will not have to be delisted if the price of the underlying security falls to $3,[14] the price of the underlying security must gradually increase or "step up" so that in one year the underlying security complies with the original $5 stock price maintenance standard.

As with other equity options, if the underlying security fails to satisfy any of these provisions, the Exchanges will commence a delisting process. In addition, the Exchanges' proposals specifically provide that once an option is delisted, the underlying security must then satisfy the initial options listing standards to be eligible for standardized options trading.

III. Summary of Comments

The Commission received one comment letter on the Exchanges' proposals.[15] Specifically, the COOP submitted a comment letter that raised the following objections to the proposals: (1) The listing of options on low-priced stocks will further the public's perception that options are a speculative vehicle; (2) an option on a low-priced security is, in effect, an option on an option; (3) high minimum brokerage commissions will make it difficult for investors to benefit economically from options on low-priced securities; and (4) options on low-priced equities will be used for speculative purposes.

The Amex responded with a letter addressing the COOP's comments.[16] Specifically, in response to the COOP's first comment, the Amex states that the COOP offers no evidence to support its claim that the "image of options" as a speculative vehicle will be fostered through the sale of options on low-priced equities. The Amex believes that the COOP's comment belies the essence of options, which were created as a means of separating and transferring the risk inherent in a stock from an investor unwilling to assume the risk (the "hedger") to an investor willing to accept the risk (the "speculator"). Thus, the Amex argues, the hedger's needs could not be satisfied without the speculator. In response to the COOP's second comment, the Amex explains that options and the underlying securities are fundamentally different instruments and that the existence of a low-priced equity securities does not negate the need among investors for options on these securities. The Amex notes, in addition, that member firms may restrict or impose conditions on customers who wish to trade in options on low-priced securities. In response to the COOP's third comment, the Amex states that low-priced options already

[5] See letter from Michael Schwartz, Chairman, Committee on Options Proposals ("COOP"), to Jonathan G. Katz, Secretary, Commission, dated May 22, 1991 ("COOP Letter"). See infra note 15 and accompanying text for a discussion of the comment letter.

[6] See letter from Michael Schwartz, Chairman, COOP, to Jonathan G. Katz, Secretary, Commission, dated December 16, 1991.

[7] See File No. SR-CBOE-91-01, submitted on January 4, 1991. The CBOE amended the filing on April 19, 1991, and on November 24, 1993. The CBOE's filing also makes various minor conforming amendments to the CBOE's rules to make them uniform with the rules of the other options exchanges.

[8] See File No. SR-NYSE-92-22, submitted on September 18, 1992. While the language of the NYSE's proposal is not identical to the language contained in the other Exchange's proposals, the effect of the proposal is the same.

[9] See File No. SR-Phlx-91-24, submitted on May 6, 1991. The Phlx also amended the filing on April 21, 1992, and on May 28, 1992.

[10] See File No. SR-PSE-91-19, submitted on June 4, 1991. The PSE also amended the filing on March 31, 1992, and on May 29, 1992. The PSE's filing also makes various conforming amendments to the PSE's rules to make them uniform with the rules of the other options exchanges.

[11] See Amex Rule 916, Commentary .04, CBOE Rule 5.4, Interpretation .01, NYSE Rule 716, Supplementary Material .10, Phlx Rule 1010, Commentary .01, and PSE Rule 3.7, Commentary .02.

[12] See e.g., File No. SR-NYSE-92-22 at p. 10.

[13] In addition, the security must comply with all of the other additional requirements noted above with respect to market capitalization, open interest, and trading volume.

[14] In fact, the price of the security could fall below $3, so long as the security closes at or above $3 on a majority of the business days during the preceding six calendar months.

[15] See COOP Letter, *supra* note 5.

[16] See letter from Howard A. Baker, Senior Vice President Options Division, American Stock Exchange, to Howard L. Kramer, Assistant Director, Division of Market Regulation, Commission, dated June 17, 1991.

exist and, therefore, that the Exchanges' proposals will not change the economics of such transactions to customers or firms. Moreover, the Amex notes that competition among the brokerage firms should determine whether customers will be able to deal economically in options on low-priced stocks. In response to the COOP's final comment, the Amex states that for three low-priced stocks watched closely by the Amex, public customer interest amounted to 70 to 80 percent of all open interest. Based on those figures, the Amex concludes that public customers wish to participate in the market for low-priced equity securities.

After the Exchanges amended their filings to provide the "step-up" procedure,[17] the COOP endorsed the proposal.[18]

IV. Discussion

The Commission has considered carefully the opinions of the commenter and the Exchanges, and finds, for the following reasons, that the proposals, as amended, are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of section 6(b)(5) in that they are designed to remove impediments to and perfect the mechanism of a free and open market.[19] The Commission believes that the Exchanges' proposals to list options on certain low-priced securities will enable the Exchanges to continue to list a number of actively-traded equity options, thereby helping to preserve the number of investment vehicles available to investors and providing market participants with a means of hedging against future price fluctuations in the underlying securities. In addition, by providing investors with a means to transfer and hedge against risk, the options trading permitted under the proposals will facilitate the efficient allocation of risk among investors.

In the wake of the October 1987 market break, the Commission approved the Exchanges' proposal to lower the stock price maintenance standard from a market price of $8 per share to the current level of $5 per share.[20] The Commission finds now, as it did in 1988, that the Exchanges' current proposals to lower the stock price maintenance standard for a limited time period will enable the Exchanges to continue to list a number of equity options that are actively-traded and have significant open interest.

The stock maintenance standards establish criteria applicable to securities underlying standardized options that are intended to safeguard both the quality of the issuer and the quality of the market for a particular security underlying a standardized option. Specifically, the stock maintenance standards are designed to ensure that the securities on which options may be traded are the securities of widely held, financially sound companies whose shares have trading volume and float sufficient to ensure that they are not readily susceptible to manipulation.[21] The Commission believes that the limited lower stock price maintenance standard proposed by the Exchanges will not compromise the stock maintenance requirements. Specifically, the Commission believes that the proposal strikes a reasonable balance between the desire to offer investors a wide range of hedging vehicles and the need to ensure that trading in derivative instruments does not have adverse market impacts.

First, the Commission believes that the limited lowering of the stock price maintenance standard will not result in increased opportunities for intermarket manipulation and abuse. The Commission notes that the maintenance standards other than the share price requirement are unchanged and, in the case of the trading volume requirement, are increased under the proposal from 1,800,000 shares to 2,400,000 shares. The Exchanges' maintenance standards require, among other things, that the underlying security have at least 6,300,000 shares outstanding and at least 1,600 shareholders. The Commission believes that these standards should help to prevent the listing of options on illiquid stocks by ensuring that only stocks with a shareholder base sufficient to provide a liquid trading market will have options overlying them.

Second, the proposal establishes the following criteria for the option and the underlying equity security: (i) The aggregate market value of the underlying company must equal or exceed $50 million; (ii) the customer open interest (reflected on a two-sided basis) in the option must equal or exceed 4,000 contracts; (iii) the trading volume in the stock must equal or exceed 2,400,000 shares in the preceding 12 months; and (iv) the market price of the stock must comply with the "step-up" provisions. The Commission believes that the $50,000,000 capitalization requirement should help to ensure that only the shares of financially sound companies will be eligible for options trading. In addition, the Commission believes that the proposed 4,000 contract customer open interest requirement should help to ensure that only options in which there is significant interest are eligible for listing under the proposal. Similarly, the Commission believes that the trading volume requirement will help to ensure that only actively traded securities with a large public float will be eligible for continued listing under the proposal.

Third, the Commission believes the "step-up" procedure will ensure that low-priced securities will not have options traded on them for an indefinite period of time. Specifically, the "step-up" procedure, together with the requirement that the underlying security must satisfy the Exchanges' $5 stock price maintenance standard after a one-year period, will allow options to continue to be listed on stocks which are attractive to investors and overlie substantial companies, but which, as a result of current economic conditions, temporarily fail to meet the Exchanges' stock maintenance standards. Because the "step-up" procedure only allows an option to be listed for one more year without meeting the $5 stock price maintenance standard, however, there is a finite period of time during which options can be traded on a particular low-priced security. Accordingly, the Commission believes that the "step-up" procedure will help to ensure that options will not be listed on stocks so low in price that they present special manipulation concerns. Therefore, the Commission believes that the "step-up" provision protects investors by striking a reasonable balance between the Exchanges' desire to continue to list actively-traded, low-priced options and the need to minimize opportunities for market manipulation and speculative abuses. Overall, the Commission believes that the "step-up" requirement, together with the market value, customer open interest, share price, and trading volume criteria, will help to ensure that the Exchanges' markets for options on low-priced securities will have such depth that they will not be

[17] See note 4 and notes 7–10, *supra*.

[18] See letter from Michael Schwartz, Chairman, COOP, to Jonathan G. Katz, Secretary, Commission, dated December 16, 1991.

[19] 15 U.S.C. 78f(b)(5).

[20] See Securities Exchange Act Release No. 25961 (August 3, 1988), 53 FR 29974 (order partially approving File Nos. SR–Amex–86–19; SR–CBOE–86–15; SR–NYSE–86–20; SR–PSE–86–15; SR–Phlx–86–21).

[21] See Securities Exchange Act Release No. 29628 (August 29, 1991), 56 FR 43949 (order approving File Nos. SR–Amex–86–19; SR–CBOE–86–15; SR–NYSE–86–20; SR–PSE–86–15; and SR–Phlx–86–21).

readily susceptible to manipulation or speculative abuses.[22]

The Commission also finds that the amendments submitted by the PSE and the CBOE which help to conform their listing criteria to the listing standards of the other options exchanges are consistent with the Act in that they are designed to maintain the quality and fairness of the PSE's and CBOE's markets. The Commission also notes that these amendments are identical to standards approved previously by the Commission and contained in the rules of the other options exchanges.

The Commission finds good cause for approving the listing standards proposals submitted by the CBOE, the Phlx, the PSE and the NYSE prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register** because their proposals are consistent with the Amex's proposal to list options on certain low-priced equities, which was subject to the full notice and comment period. As noted above, the Commission received one adverse comment letter concerning the Amex's proposal, which the commenter subsequently withdrew after the Amex proposed Amendment No. 2 to the proposal.

With regard to the additional amendments proposed by the CBOE and the PSE which help to conform the rules of those Exchanges to the rules adopted previously by the other options exchanges, the Commission finds good cause for approving the proposals on an accelerated basis because they are identical to provisions contained currently in the rules of the other options exchanges. In addition, the Commission notes that the amendments will help to provide consistency among the rules of the Exchanges.

V. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the proposals by the CBOE, NYSE, Phlx, and PSE. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filings will also be available for inspection and copying at the respective principal offices of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers in the caption above and should be submitted by December 28, 1993.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[23] that the proposed rule changes (SR–Amex–90–33, SR–CBOE–91–01, SR–NYSE–92–22, SR–Phlx–91–24, and SR–PSE–91–19) are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[24]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–29779 Filed 12–6–93; 8:45 am]

BILLING CODE 8010–01–M

[22] The Commission believes that it is reasonable to apply the lower maintenance standard established under the proposal to a given equity security two times during a five-year period. Thus, if the lower maintenance standard is applied to an equity twice during a five-year period and the equity again fails to satisfy the exchange's maintenance requirements, then the exchange must delist the options on that equity, as required under the exchange's rules.

[23] 15 U.S.C. 78s(b)(2) (1982).

[24] 17 CFR 200.30–3(a)(12) (1993).

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Boston Stock Exchange, Inc.

December 1, 1993

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Advo, Inc.
Common Stock, $.01 Par Value (File No. 7–11576)
Boyd Gaming Corp.
Common Stock, $.01 Par Value (File No. 7–11577)
Pillowtex Corp.
Common Stock, $.01 Par Value (File No. 7–11578)
Sahara Gaming Corporation
Common Stock, $.01 Par Value (File No. 7–11579)
Top Source, Inc.
Common Stock, $.001 Par Value (File No. 7–11580)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 22, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–29784 Filed 12–6–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Chicago Stock Exchange, Inc.

December 1, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Checkpoint Systems, Inc.
Common Stock, $.10 Par Value (File No. 7–11581)
Exide Corporation
Common Stock, $.01 Par Value (File No. 7–11582)
Bufete Industrial, S.A.
Amer. Dep. Shares, (rep. 3 Ord. Partic Ctfs. "CPOs" each rep. 3 Class L shares, NPs. .30 Par Value & 1 Ser. B Share NPs. 30 Par Value) (File No. 7–11583)
Associated Estates Realty Corp.
Common Stock, No Par Value (File No. 7–11584)
Spieker Properties, Inc.
Common Stock, $.0001 Par Value (File No. 7–11585)
Trident NGL Holdings, Inc.
Common Stock, $.01 Par Value (File No. 7–11586)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 22, 1993,

written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93-29783 Filed 12-6-93; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-19914; 812-8386]

American National Insurance Co. et al.; Application for Exemption

December 1, 1993.

AGENCY: Securities and Exchange Commission (the "Commission" or the "SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: American National Insurance Company ("American National"), American National Variable Annuity Separate Account (the "Separate Account") and Securities Management and Research, Inc.

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) for exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit the deduction of a mortality and expense risk charge from the assets of the Separate Account under certain individual and group deferred annuity contracts and individual single premium immediate annuity contracts (collectively, the "Contracts").

FILING DATE: The Application was filed on May 6, 1993 and amended on November 5, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 27, 1993, and should be accompanied by proof of service on the Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Applicants, c/o Jerry L. Adams, Esq., Greer, Herz and Adams, One Moody Plaza, 14th Floor, Galveston, Texas 77550.

FOR FURTHER INFORMATION CONTACT: Thomas E. Bisset, Senior Attorney, at (202) 272-2058, or Wendell M. Faria, Deputy Chief, at (202) 272-2060, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from the Commission's Public Reference Branch.

Applicants' Representations

1. American National is a stock life insurance company organized under the laws of the State of Texas. Securities Management and Research, Inc. is a broker-dealer registered under the Securities Exchange Act of 1934 and is the principal underwriter for the Contracts.

2. American National established the Separate Account on July 30, 1991 and registered it under the 1940 Act as a unit investment trust. Except for the immediate annuity contracts, the Contracts provide for accumulation of contract values and payment of annuity benefits on a fixed and variable basis. The variable portion of the Contracts will be funded initially through four subaccounts of the Separate Account; each Subaccount invests its assets in the shares of one of the four currently available investment series of American National Investment Account, Inc., one of five currently available portfolios of the Variable Insurance Products Fund, or one of three currently available portfolios of the Variable Insurance Products Fund II (collectively, the "Funds").

3. The Separate Account and each of its subaccounts is administered and accounted for as part of the general business of American National, but the income, gains or losses of each subaccount are credited to or charged against the assets held in the subaccount in accordance with the terms of the Contracts, without regard to other income, gains or losses of any other subaccount or arising out of any other business American National may conduct.

4. The Contracts are available for retirement plans which do not qualify for the special federal tax advantages available under the Internal Revenue Code and for retirement plans which do qualify for the federal tax advantages available under the Internal Revenue Code. Purchase payments under the Contracts may be made to the general account of American National, the Separate Account or allocated between them.

5. During the accumulation period of the deferred annuity contracts, amounts allocated to the Separate Account may be transferred among the subaccounts and/or to the general account. The first four transactions effecting such transfers in any contract year are permitted without the imposition of a transfer fee. A transfer fee of $10 is assessed on the fifth and each subsequent such transaction (other than transfers resulting from policy loans) within the Contract year. The transfer fee is imposed to compensate American National for the cost of effecting the transfer. American National does not expect to profit from such charge.

6. American National assesses an annual contract fee against each deferred annuity contract. For non-qualified individual deferred annuity contracts the fee is $25. For qualified individual deferred contracts the fee is $30. American National assesses a $300 annual fee against unallocated group deferred annuity contracts. American National assesses a one-time contract fee of $100 against immediate annuity contracts. The annual Contract fee is charged at the end of each Contract year to cover American National's fixed cost of administering the Contracts.

When a Contract is surrendered for its full value, a pro rata portion of the annual contract fee will be deducted at the time of the surrender. In addition, an administrative asset fee is charged daily to each subaccount to cover the varying costs of administering the Contracts. The fee is 0.10% annually for qualified and non-qualified individual deferred annuity contracts and 0.20% annually for unallocated group deferred annuity contracts.

7. American National assesses a contingent deferred sales charge against certain withdrawals. For qualified and non-qualified individual deferred annuity contracts and group unallocated deferred annuity contracts, American National assesses a surrender charge as a percentage of the amount withdrawn.

For qualified and non-qualified individual deferred annuity contracts and group unallocated deferred annuity contracts, the surrender charge declines from 8.5% to 0% of the amount withdrawn after twelve contract years. For group unallocated deferred annuity contracts, the surrender charge declines from 8% to 0% of the amount withdrawn after twelve contract years.

In no event will the surrender charge exceed 8.5% of the total purchase payments.

8. If an annuitant under a deferred annuity contract (other than an unallocated group contract) dies during the accumulation period, a death benefit will be payable to the beneficiary. The death benefit is equal to the greater of: (1) The accumulation value (less any policy debt) at the end of the valuation period during which due proof of death is received by American National; or (2) the total dollar amount of purchase payments, minus the sum of: (a) the total amount of any partial withdrawals; and (b) any policy debt.

The death benefit under a group unallocated contract will be determined by the applicable retirement plan.

9. Annuity payments will not be affected by the mortality experience (death rate) or persons receiving such payments or the general population. The annuity rates cannot be changed under the Contract. For (1) assuming the risk that the life of annuitant will be greater than that assumed in the guaranteed annuity purchase rates, and (2) providing the death benefits prior to the annuity date, American National deducts a mortality risk charge from the Separate Account. The charge is deducted from each subaccount during each valuation period at an annual rate of 0.80% of the net asset value of each subaccount.

10. American National also bears the risk that the administration charges will be insufficient to cover the costs of administering the Contracts. For assuming this expense risk, American National deducts an expense risk charge from the Separate Account. The charge is deducted from each Subaccount during each valuation period at an annual rate of 0.45% of the net asset value of the Subaccount.

Applicant's Legal Analysis

1. Section 6(c) of the 1940 Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any persons, securities, or transactions from any provision of the 1940 Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Section 27(c)(2) of the 1940 Act prohibits the issuer of a periodic payment plan certificate, and any depositor or underwriter for such issuer, from selling such periodic payment plan certificate unless proceeds of payments on such certificates (other than sales loads) are held under an indenture or agreement containing specified provisions. Section 26(a)(2) and the Rules thereunder do not permit a deduction from the assets of a separate account for mortality and expense risk charges.

3. Applicants represent that the mortality risk is assumed by virtue of the annuity rates and the death benefit guaranteed in the Contracts; the annuity rates cannot be changed after issuance of the Contracts. Applicants also represent that the Contract administration charges will not increase regardless of the actual costs incurred. If the mortality or expense risk charges are insufficient to cover the actual costs, American National will bear the loss. To the extent that the charges are in excess of actual costs, American National, at its discretion, may use the excess to offset losses when the charges are not sufficient to cover expenses.

To the extent that American National derives profit from the mortality and expense risk charges, those profits may be used to pay other expenses, including distribution expenses.

4. Applicants assert that the aggregate mortality and expense risk charge of 1.25% is reasonable in relation to the risks assumed by American National under the Contracts and reasonable in amount as determined by industry practice with respect to comparable annuity products. Applicants state that these determinations are based on their analysis of publicly available information about similar industry practices, and by taking into consideration such factors as current charge levels and benefits provided, the existence of expense charge guarantees and guaranteed annuity rates. American National undertakes to maintain at its home office a memorandum, available to the Commission upon request, setting forth in detail the methodology used in making these determinations.

5. American National concludes that there is a reasonable likelihood that the Separate Account's distribution financing arrangement will benefit the Separate Account and its investors American National represents that it will maintain and make available to the Commission upon request a memorandum setting forth the basis of such conclusion. American National further represents that the assets of the Separate Account will be invested only in management investment companies which undertake, in the event they should adopt a plan for financing distribution expenses pursuant to Rule 12b–1 under the Act, to have such plan formulated and approved by their board of directors, the majority of whom are not "interested persons" of the management investment company within the meaning of section 2(a)(19) of the 1940 Act.

Conclusion

Applicants submit that the exemptive relief requested in the application is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–29836 Filed 12–6–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended November 26, 1993

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 49279
Dated filed: November 24, 1993
Parties: Members of the International Air Transport Association
Subject: COMP Telex Currency Changes—Iran
r-1—024f r-2—033f
Proposed Effective Date: December 1, 1993.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93–29790 Filed 12–6–93; 8:45 am]

BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended November 26, 1993

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR

302.1701 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 49281.
Date filed: November 24, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 22, 1993.
Description: Application of Direct Air, Inc., pursuant to section 401(d)(1) of the Act and subpart Q of the Regulations, requests a certificate of public convenience and necessity authorizing Midway Connection to engage in interstate and overseas scheduled air transportation for the carriage of persons, property and mail between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States.

Docket Number: 45723.
Date filed: November 22, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 20, 1993.
Description: Application of Transportes Aereos Ejecutivos, S.A. de C.V., pursuant to section 402 of the Act and subpart Q of the Regulations, requests that the Department of Transportation amend its foreign air carrier permit to the extent necessary to authorize it to engage in daily scheduled air transportation of persons, property and mail between and on the following scheduled combination routes;

1. The terminal point Durango, Mexico, on the one hand, and the terminal point Chicago, IL, on the other hand.

2. The terminal point Oaxaca, Mexico, on the one hand, and the terminal point New York, N.Y. on the other hand.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93–29789 Filed 12–6–93; 8:45 am]

BILLING CODE 4910–62–P

Office of the Secretary

Application of Grant Aviation, Inc.; For Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause (Order 93–12–1) Docket 49139.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Grant Aviation, Inc., fit, willing, and able, and awarding it a certificate of public convenience and necessity to engage in interstate and overseas scheduled air transportation of persons, property, and mail.

DATES: Persons wishing to file objections should do so no later than December 16, 1993.

ADDRESSES: Objections and answers to objections should be filed in Docket 49139 and addressed to the Documentary Services Division (C–55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Carol A. Woods, Air Carrier Fitness Division (P–56, room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–2340.

Dated: December 1, 1993.

Patrick V. Murphy,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 93–29791 Filed 12–6–93; 8:45 am]

BILLING CODE 4910–62–P

Proposed Revocation of the Section 401 Certificate of Michael A. Spisak d/b/a Ram Aviation

AGENCY: Department of Transportation.

ACTION: Notice of proposed revocation of section 401 certificate Order 93–11–45 Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to revoke the section 401 certificate of Michael A. Spisak d/b/a Ram Aviation.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Documentary Services Division, in Docket 47727, C–55, Room 4107, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than December 15, 1993.

FOR FURTHER INFORMATION CONTACT: Mrs. Barbara P. Dunnigan, Air Carrier Fitness Division, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–2342.

Dated: November 30, 1993.

Patrick V. Murphy,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 93–29792 Filed 12–6–93; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

Intent To Prepare an Environmental Assessment and Notice of Environmental Scoping Meeting for Runway Extensions at Plymouth Municipal Airport, Plymouth, MA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of public environmental scoping meeting.

SUMMARY: The Federal Aviation Administration (FAA) is issuing notice to advise the public that an Environmental Assessment (EA) will be prepared for extensions to Runway 6–24 and Runway 15–33 at Plymouth Municipal Airport, Plymouth, Massachusetts. To ensure that all significant issues related to the proposed actions are identified, a public scoping meeting will be held.

FOR FURTHER INFORMATION CONTACT: John Silva, Manager, Environmental Programs, Airports Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. Telephone number: 617–238–7602.

SUPPLEMENTARY INFORMATION: On September 2, 1993, the Plymouth Airport Commission executed an FAA grant for the purpose of conducting Phase I of an Environmental Assessment of extension of Runway 6–24 and Runway 15–33 at Plymouth Municipal Airport. Phase I will cover environmental scoping, an environmental inventory, site surveys, and initial environmental analysis. An anticipated Phase II grant would cover detailed environmental analysis and report documentation.

Potential environmental issues include adverse impacts to water quality and wetland resources, and impacts from aircraft noise. FAA has not yet made a decision to process an Environmental Impact Statement, but will rely in part on input received during the scoping process.

The Environmental Assessment is being prepared jointly as a state Environmental Impact Report and the Plymouth Airport Commission is a joint lead agency, as defined in federal Council on Environmental Quality regulations.

Comments and suggestions are invited from federal, state, and local agencies, and other interested parties, in order to ensure that a full range of issues related to the proposed project is identified and addressed in the scope of work for the Environmental Assessment.

Public Scoping Meeting

In order to ensure that all environmental concerns are identified, a joint federal and state scoping meeting will be held on Friday, December 10, 1993, at 2:30 p.m., at the Plymouth Airport Commission conference room (next to the terminal building) at Plymouth Municipal Airport, South Meadow Road, Plymouth, Massachusetts. This meeting will be preceded by a field tour of the project area, between 12:30 p.m. and 2:30 p.m. on the same day. Participants should meet at the Commission conference room and wear appropriate clothing. Additional information may be obtained by contacting FAA at the above telephone number or address.

Issued in Burlington, Massachusetts, on November 22, 1993.

Vincent A. Scarano,

Manager, Airports Division, FAA, New England Region.

[FR Doc. 93-29819 Filed 12-6-93; 8:45 am]

BILLING CODE 4910-13-M

Air Traffic Procedures Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

DATES: The meeting will be held from January 10 through January 13, 1994, from 9 a.m. to 5 p.m. each day.

ADDRESSES: The meeting will be held at the Marriott Suites-Downtown, 701 A Street, San Diego, California.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy E. Halpin, Executive Director, ATPAC, Air Traffic Rules and Procedures Service, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-3725.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the ATPAC to be held from January 10 through January 13, 1994, at the Marriott Suites-Downtown, 701 A Street, San Diego, California.

The agenda for this meeting will cover: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of Minutes.
2. Submission and Discussion of Areas of Concern.
3. Discussion of Potential Safety Items.
4. Report from Executive Director.
5. Items of Interest.
6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the person listed above not later than January 7, 1994. The next quarterly meeting of the FAA ATPAC is planned to be held from April 11-14, 1994, in Washington, DC. Any member of the public may present a written statement to the Committee at any time at the address given above.

Issued in Washington, DC, on December 1, 1993.

Paul H. Strybing,

Acting Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 93-29820 Filed 12-6-93; 8:45 am]

BILLING CODE 4910-13-M

RTCA, Inc., Special Committee 147; Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix I), notice is hereby given for Special Committee 147 meeting to be held January 19-20, 1994, starting at 9 a.m. The meeting will be held at the RTCA conference room, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

The agenda for this meeting is as follows:

(1) Chairman's introductory remarks;
(2) Review of meeting agenda;
(3) Approval of the minutes of the forty-third meeting held on September 15-16, 1993;
(4) Report of Working Group Activities
(a) Operations Working Group (OWG)
(b) Separation Assurance Task Force
(c) Requirements Working Group
(d) TCAS I Working Group
(e) Selection of Chairperson for Requirements Working Group;
(5) Report on FAA TCAS program activities
(a) TCAS I
(b) TCAS II
(c) TCAS III
(d) ATC Applications Activities;
(6) Review of EUROCAE Working Group activities;
(7) Status of Change NPRM for Change 6.04A;
(8) Review and update of Verification and Validation Process;
(9) Review of action items from last meeting;
(10) Other business;
(11) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue NW., suite 1020, Washington, DC 20036; (202) 833-9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 30, 1993.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 93-29821 Filed 12-6-93; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

Tariff Classification of Camera Lenses Imported in Same Shipment With Camera Bodies

AGENCY: Customs Service, Department of Treasury.

ACTION: Proposed change of position; solicitation of comments.

SUMMARY: This notice advises the public that Customs proposes a change of position regarding the classification of different sized camera lenses imported in the same shipment with an equal number of 35mm camera bodies under the Harmonized Tariff Schedule of the United States (HTSUS). Pursuant to rulings on such shipments, Customs has classified as a single tariff entity each camera body and "normal" lens which could be matched together. We now

propose that camera bodies and lenses, if they are imported in the same shipment but are not packaged together for retail sale as cameras and lenses, are presumed to retain their separate commercial identities and are separately classifiable under the HTSUS. The result of this proposed change of position under the HTSUS would be an increase in the rate of duty on subject lenses not put up together for retail sale with matched camera bodies at the time of entry, because the lenses would no longer be classifiable together with camera bodies as cameras, but would be separately classifiable as lenses. This proposed change of position does not apply to lenses and camera bodies, imported together in the same shipment in equal numbers, which will be put up together for retail sale at the time of entry into the U.S. Before adopting this proposed change of position, consideration will be given to any written comments timely submitted in response to publication of the document.

DATES: Comments must be received on or before February 7, 1994.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the U.S. Customs Service, Office of Regulations and Rulings, Regulations Branch, Franklin Court, 1301 Constitution Avenue NW., Washington, DC 20229. Comments filed may be inspected at the Office of Regulations and Rulings, Regulations Branch, Franklin Court, 1099 14th Street NW., suite 4000, Washington DC.

FOR FURTHER INFORMATION CONTACT: David W. Spence, Office of Regulations and Rulings (202) 482–7030.

SUPPLEMENTARY INFORMATION:

Background

In a ruling dated May 2, 1988 (HQ 076497), it was determined by Customs that, under the Tariff Schedules of the United States (TSUS), the precursor to the Harmonized Tariff Schedule of the United States (HTSUS), a 35mm camera body matched up with a "normal" lens in the same shipment was a single tariff entity. Specifically, it was held that a 35mm single lens reflex camera body imported with a 50–55mm lens was a single article subject to classification under item 722.16, TSUS, as a camera. It was also determined that zoom lenses with a focal length of 35mm to 70mm had also become "normal" lenses when imported with the 35mm camera bodies.

The position of classifying a 35mm camera body imported with a "normal" lens in the same shipment as a single entity continued after the transition from the TSUS to the HTSUS on January 1, 1989.

Under the HTSUS, the subheadings under consideration are as follows:

9006.51.00: [o]ther cameras: [w]ith through-the-lens viewfinder (single lens reflex (SLR)), for roll film of a width not exceeding 35mm.

The general, column one rate of duty is 3 percent *ad valorem*.

9002.11.80: [o]bjective lenses and parts and accessories thereof: [f]or cameras, projectors or photographic enlargers or reducers: [o]ther.

The general, column one rate of duty is 6.6 percent *ad valorem*.

In understanding the language of the HTSUS, the Harmonized Commodity Description and Coding System Explanatory Notes may be utilized. The Explanatory Notes, although not dispositive, are to be used to determine the proper interpretation of the HTSUS. 54 Fed. Reg. 35127, 35128 (August 23, 1989). In part, Explanatory Note 90.06(I) (p.1465) provides that heading 9006, HTSUS, covers all kinds of photographic cameras (other than cinematographic cameras), whether for professional or amateur use, and whether or not presented with their optical elements (objective lenses, viewfinders, etc.). It further states that there are many different types of cameras, but the conventional types consist essentially of a light-tight chamber, a lens, a shutter, a diaphragm, a holder for a photographic plate or film, and a viewfinder.

Explanatory Note 90.06(I) states that a camera body with a lens constitutes a camera. Therefore, a lens and a camera body, imported in the same shipment and put up together for retail sale at the time of entry into the U.S., are classifiable under subheading 9006.51.00, HTSUS, as a camera. However, the note also states that a camera body constitutes a camera whether or not presented with the optical element. The issue, then, is whether camera bodies, imported with numerous camera lenses in the same shipment and not put up together for retail sale once entered into the U.S., constitute complete and unassembled cameras.

It is noted that imported merchandise must be classified under the HTSUS with reference to its condition as imported.

General Rule of Interpretation (GRI) 2(a), HTSUS, provides that any reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as entered, the incomplete or unfinished article has the essential character of the complete or finished article. It shall also include a reference to that article complete or finished (or failing to be classified as complete or finished by virtue of this rule), entered unassembled or disassembled.

Explanatory Note 2(a)(V) (p. 2) states that the second part of Rule 2(a) provides that complete or finished articles presented unassembled or disassembled are to be classified in the same heading as the assembled article. When goods are so presented, it is usually for reasons such as requirements or convenience of packing, handling or transport.

Customs deems that numerous camera lenses, imported together with an equal amount of 35mm camera bodies in the same shipment and not put up together for retail sale at the time of entry into the U.S., do not constitute complete and unassembled cameras, and the different sized lenses are separately classifiable under subheading 9002.11.80, HTSUS, as objective lenses for cameras. The camera lenses and the camera bodies retain their separate commercial identities. As imported, Customs is of the opinion that they lack the degree of commercial integration to be considered as cameras with lenses, unassembled, for purposes of GRI 2(a).

The proposed change of position would also apply to different sized lenses imported together with an unequal amount of 35mm camera bodies. Those lenses and camera bodies put up together for retail sale would be classifiable under subheading 9006.51.00, HTSUS, as cameras. The remaining lenses in the shipment, not put up together for retail sale at the time of entry with corresponding camera bodies, would be classifiable under subheading 9002.11.80, HTSUS, as objective lenses for cameras.

Accordingly, the proposed position of Customs under the HTSUS is in conflict with HQ 076497, a TSUS ruling, in that "normal" lenses imported in the same shipment with an equal number of 35mm camera bodies, and not put up together for retail sale at the time of entry into the U.S., would be separately classifiable under subheading 9002.11.80, HTSUS. Because the lenses would be dutiable at 6.6 percent *ad valorem*, instead of the 3 percent rate of duty for cameras under subheading 9006.51.00, HTSUS, we are soliciting comments from the public.

Authority

This notice is published in accordance with § 177.10, Customs Regulations (19 CFR 177.10).

Comments

Before adopting this proposed change in position, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), section 1.4, Treasury Department Regulations (31 CFR 103.11(b)), on regular business days between the hours of 9:00 and 4:30 p.m. at the Office of Regulations and Rulings, Franklin Court, 1099 14th Street NW., suite 4000, Washington, DC.

Approved: November 8, 1993.

Samuel H. Banks,

Acting Commissioner of Customs.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 93-29824 Filed 12-6-93; 8:45 am]

BILLING CODE 4820-02-P

UNITED STATES ENRICHMENT CORPORATION

Environmental Review Policy and Procedures

AGENCY: United States Enrichment Corporation.

ACTION: Notice of final environmental review policy and procedures.

SUMMARY: On August 25, 1993, the United States Enrichment Corporation (USEC) published a proposed policy and procedures for integrating environmental considerations into USEC planning and decisionmaking in the **Federal Register** for public comment. USEC also requested that the Council on Environmental Quality (CEQ) review the proposed policy and procedures in relation to the provisions of the National Enrichment Policy Act (NEPA) and CEQ's NEPA regulations. The Council affirmed its support for the USEC policy and procedures on November 30, 1993.

The USEC has undertaken the uranium enrichment enterprise formerly conducted by the Department of Energy (DOE), effective July 1, 1993, pursuant to the Energy Policy Act of 1992. The USEC is adopting a policy and procedures for implementing environmental reviews that is closely patterned on DOE's NEPA Implementing Procedures, with some modifications to reflect USEC's unique mission of operating the uranium enrichment enterprise as a business enterprise on a profitable basis and eventually privatizing the enterprise. USEC proposes to comply voluntarily with the spirit of both NEPA and Executive Order 12114 regarding Environmental Effects Abroad of Major Federal Actions (E.O. 12114), during its tenure as a wholly owned government corporation, as a reflection of the Corporation's commitment to environmental protection. Accordingly, USEC is adopting environmental review procedures to incorporate analysis of environmental impacts into USEC's decisionmaking.

The USEC environmental review policy addresses environmental considerations relating to the global commons and other areas outside the geographical borders of the United States and its territories and possessions, as well as domestic environmental considerations. The procedures provided by the USEC environmental review policy are designed to enable officers of the Corporation having responsibility for authorizing and approving USEC actions encompassed by this policy to be informed of pertinent environmental considerations and to take such considerations into account, along with pertinent considerations raised both by other domestic, foreign and national security policies of the United States, and by the unique character and mission of USEC as provided in the Energy Policy Act of 1992, in making decisions regarding such actions. The adopted policy and procedures are published below.

EFFECTIVE DATE: December 1, 1993.

FOR FURTHER INFORMATION CONTACT: Michael Taimi, Environmental Compliance, or Robert J. Moore, General Counsel, United States Enrichment Corporation, Two Democracy Center, 6903 Rockledge Drive, Bethesda, MD 20817 or telephone (301) 564-3200.

SUPPLEMENTARY INFORMATION:

I. Background

The United States Enrichment Corporation was created by Title IX of the Energy Policy Act to take over the uranium enrichment enterprise from DOE on July 1, 1993. Congress created USEC to operate the uranium enrichment enterprise "as a business enterprise on a profitable and efficient basis" and to "maximize the long-term value of the Corporation to the Treasury of the United States." 42 U.S.C. 2297a (1) and (2). In addition, the Energy Policy Act requires USEC to develop a plan for the privatization of the uranium enrichment enterprise. 42 U.S.C. 2297d. Congress also directed USEC "[t]o continue at all times to meet the objectives of ensuring the Nation's common defense and security," "[t]o help maintain a reliable and economical domestic source of uranium enrichment services," and "[t]o comply with laws, and regulations promulgated thereunder, to protect * * * the environment." 42 U.S.C. 2297a (8), (9), (10).

One of USEC's functions in operating as a profit-making corporation engaged in providing uranium enrichment services in a highly competitive world market is to act as an integral link between the former operation of the enterprise by a federal government agency and the future operation as a fully private corporation. Congress directed that USEC "shall be subject to, and comply with, all Federal and State, interstate, and local environmental laws and requirements * * * to the same extent, as any person who is subject to such laws and requirements." 42 U.S.C. 2297b-11(b). Congress specified that "the term 'person' means an individual, trust, firm, joint stock company, corporation, partnership, association, State, municipality, or political subdivision of a State." *Id.* NEPA and E.O. 12114 apply to Federal government agencies and do not directly impose requirements on private corporations. As a corporation which is eventually to be privatized, and is treated the same as a "person" for the purposes of environmental compliance under the Energy Policy Act of 1992, USEC is not a federal agency subject to NEPA or E.O. 12114.

USEC intends to conduct all its operations as a responsible corporate citizen committed to maintaining a clean, safe and healthful environment. To help achieve that end USEC intends, during its tenure as a wholly owned government corporation, as a matter of voluntary corporate policy, to implement the spirit of NEPA and E.O. 12114 and to incorporate appropriate procedures into corporate decisionmaking. Thus, USEC will ensure that potential environmental impacts are assessed before major proposals are adopted, that feasible alternatives are analyzed on the basis of environmental impacts, and that mitigation measures are employed when appropriate. Also, USEC intends to integrate into the USEC decisionmaking process with respect to the environment emphasis like that which NEPA places on involving federal agencies, state agencies, and the public, in a manner appropriate to USEC's legislative mandate.

II. Purpose

In accordance with its policy to implement the spirit of both NEPA and related executive orders and regulations on environmental assessments,

including E.O. 12114, USEC has issued final procedures for implementing its environmental review policy in relation to the activities of the Corporation. The environmental review policy and procedures issued by USEC provide guidance and a mechanism for incorporating the spirit of NEPA and E.O. 12114 into USEC decisionmaking and day-to-day operations. USEC has chosen to adopt an environmental review policy and procedures, rather than to issue formal regulations. *Cf.* 40 CFR 1507.3(a). Nothing in USEC's environmental review policy and procedures or their adoption is intended to create a private cause of action.

III. Amendments to the USEC Environmental Review Policy and Procedures

USEC made editorial changes to the proposed policy and procedures published in the **Federal Register** on August 25, 1993, to clarify the Corporation's statement of intent that the USEC environmental review procedures, rather than being a rule or a regulation making NEPA or E.O. 12114 binding upon the Corporation, implement an environmental review policy embracing the spirit of NEPA and E.O. 12114 processes, in a manner consonant with USEC's unique statutory mission and character. In § 2.4 USEC clarified the guidelines for the Corporation utilizing environmental data and analyses submitted by an offeror and added a provision to the section specifying that, consistent with the guidelines contained in the section, USEC may permit an offeror to prepare an EA. USEC added new sections 3.3.1–3.3.4 addressing the purpose, content and format of environmental impact statements prepared under the policy and procedures, and USEC amended § 3.5 to refer only to programmatic environmental impact statements. In Appendix A, in addition to editorial changes similar to those made in the main body of the policy and procedures, USEC added a provision regarding exports and nuclear activities to § A–3.1.1 regarding activities exempted by Executive Order 12114, and USEC revised § A–4.1 regarding public involvement, consistent with guidance contained in Executive Order 12114. USEC also revised § A–4.3.1 regarding the contents of an environmental impact statement prepared pursuant to § A–2.1.1 or § 2.1.4(a) of Appendix A. In addition, USEC made changes to the proposed policy and procedures in response to the small number of public comments received following the **Federal Register** notice.

The U.S. Environmental Protection Agency (EPA) provided three comments, two of which related to specifying EPA as an entity to receive notice of USEC determinations to prepare either an environmental assessment (EA) or an environmental impact statement (EIS) and to receive environmental review documents prepared by USEC. As proposed in EPA's comments, USEC has revised § 3.2.3 of the final version of its environmental review procedures to include notification to EPA of a determination to prepare an EA or EIS and § 3.4.6 of the procedure to include EPA as an entity to which EA's and Findings of No Significant Impact (FONSI) will be distributed. USEC will distribute other environmental review documents to EPA as appropriate under the USEC procedures. EPA also requested the USEC clarify the type of above ground storage tank referred to in § 4.2.4(m) of the procedures relating to categorical exclusions applicable to facility operation. USEC has amended this section in the final version of the procedures in light of EPA's comment.

The U.S. Department of State ("State") provided a few comments mainly regarding the provisions of the USEC environmental review policy and procedures which address issues related to E.O. 12114. USEC amended § A–4.5.2 in response to State's request that USEC consult with it in determining when activities undertaken pursuant to the USEC policy may result in adverse impacts on foreign relations or infringe in fact or appearance on other nations' sovereign responsibilities. In addition, USEC amended § A–4.9 of its policy to incorporate references to the "exclusive economic or fisheries zones established in accordance with international law" in its definitions of "Foreign Nation" and "United States" and made some grammatical amendments to § A–4.8 to clarify the meaning of the section. No other changes to the USEC policy were made as a result of State's comments. A few additional questions were resolved through discussions between staff members of USEC and State, such as why USEC chose to utilize the term "environmental impact statement" in the section of its policy addressing the objectives of E.O. 12114—because the Executive Order itself uses the phrase.

CEQ offered several comments on the USEC proposed policy and procedures. Several CEQ comments focused on § 4.2 of the proposed policy relating to categorical exclusions, with CEQ making the following suggestions: (i) clarify that the three criteria provided in § 4.2.2 for consideration of an action for a categorical exclusion will be applicable to a proposed action rather than should be applicable; (ii) in § 4.2.4(a), clarify that the installation of fencing referenced is that which is done within existing fenced security areas or facilities; (iii) account for facilities currently on or eligible for the National Historic Register in § 4.2.4(b) regarding categorical exclusions applicable to facility operation; (iv) add in § 4.2.4(f) that removal of asbestos-containing materials will be in accordance with the USEC Asbestos Management Plan; (v) clarify in § 4.2.4(b) that the revegetation indicated will be accomplished with native species; and (vi) clarify in § 4.2.6(e) that the indicated modifications to increase the capacity of an existing structure used for storing, packaging or repacking waste refer to those cases in which the increase in capacity itself has been assessed under the USEC environmental review policy and procedures.

CEQ made suggestions regarding six other sections of the USEC environmental review policy and procedures. First, CEQ suggested that the heading for § 2.3 regarding limitations on interim actions make clear that the section applies only to EIS process. Second, CEQ suggested that § 3.4.10 relating to the issuance of proposed FONSI's be amended to clarify that USEC has chosen to utilize the provisions contained in § 1501.4(e)(2) of the CEQ regulations to describe the circumstances under which a proposed FONSI will be issued for public review and comment. In addition, CEQ suggested that § 3.4.10 be amended to provide for the EA related to a proposed FONSI to be issued along with the FONSI. Third, CEQ suggested that § 2.2.2 be amended to reflect the opportunity for public participation as an objective of the USEC environmental review process. Fourth, CEQ suggested that § 3.4.6 be amended to provide for the distribution of copies of an EA and related FONSI to the affected public in appropriate circumstances. Fifth, CEQ suggested revising the heading for § 3.5 to read "Programmatic NEPA Analysis and Documentation" rather than "Programmatic NEPA Documents." Sixth, CEQ suggested that § 3.6.2 more clearly state that a Mitigation Action Plan will be prepared in circumstances where commitments to mitigations that are essential to render the impacts of a proposed action not significant are made, either as integral elements of the proposed action or as statements extraneous to such elements. All of the above CEQ suggestions are incorporated in the final version of the USEC environmental review policy and

procedures, except for that made with regard to the heading for § 3.5, which has been amended to read "Programmatic Analysis and Documentation."

IV. List of Subjects

Environmental assessment, Environmental impact statement, National Environmental Policy Act.

Issued in Washington, DC.

Dated: December 1, 1993.

William H. Timbers, Jr.,

Transition Manager.

United States Enrichment Corporation Environmental Review Policy and Procedures

Table of Contents

1.0 General

1.1 Purpose

The purpose of this document is to establish the United States Enrichment Corporation (USEC) policy and procedures for integration of environmental considerations into USEC planning and decisionmaking during the period of time that USEC functions as a wholly-owned government corporation. The USEC environmental review policy, in addressing environmental considerations relating to the global commons and other areas outside the geographical borders of the United States and its territories and possessions, as well as domestic environmental considerations, furthers the purposes of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332) and Executive Order 12114 regarding Environmental Effects Abroad of Major Federal Actions (E.O. 12114). The procedures provided by the USEC environmental review policy are designed to enable officers of the Corporation having responsibility for authorizing and approving USEC activities encompassed by this policy to be informed of pertinent environmental considerations and to take such considerations into account, along with pertinent considerations raised both by the foreign policy and national security policy of the United States, and by the unique character and mission of USEC as provided in the Energy Policy Act of 1992, P.L. 102–486 (42 U.S.C. 2297 et seq.) in making decisions regarding such actions.

One aspect of implementing the USEC environmental review policy is to establish the criteria for determining those USEC activities that are categorically excluded from preparation of an Environmental Impact Statement (EIS). Applicable categorical exclusions (CX) are listed in Section 4.2 of this policy.

Regulations of the Council on Environmental Quality (CEQ), published at 40 CFR 1500 through 1508, while not binding on USEC, have served as useful guidance to USEC in developing its policy and procedures.

1.2 Policy

It is USEC policy to implement the spirit of NEPA and E.O. 12114; utilize the CEQ regulations as guidance; and apply environmental review processes early in the planning stages for USEC proposals. In doing so, USEC will endeavor to ensure that wise use of the human environment is incorporated into its activities. This will be accomplished by identifying the significant environmental impacts of USEC proposed programs and projects as early in the decisionmaking process as is practicable, and integrating those considerations throughout the planning and, ultimately, implementation of the proposed program and projects. The objective is to ensure, consistent with the spirit of NEPA, E.O. 12114 and the CEQ regulations, and domestic, foreign and national security policies, that environmental effects will be considered along with issues of competitiveness and technical, commercial, economic and other factors in USEC decisionmaking processes.

USEC will endeavor to ensure that the environmental review process parallels the decisionmaking process on major programs and proposals likely to have a significant effect on the human environment.

USEC will integrate environmental review procedures provided herein with planning and other environmental examinations. USEC will accomplish this integration in a concurrent rather than consecutive manner.

USEC will endeavor to ensure that the alternatives considered in the decisionmaking process are within the range of alternatives considered in the relevant environmental documents and analyses.

USEC policy will be to integrate the spirit of E.O. 12114 into its environmental analyses, with regard to consideration of activities that may significantly affect the global commons, environments of other nations or ecological resources of global importance. Where consistent with national security requirements and other United States domestic and foreign policies, an environmental planning and evaluation process as outlined in Appendix A of this policy will be implemented for proposed USEC activities that would significantly affect those aspects of the worldwide environment.

1.3 Applicability

1.3.1 This section applies to all organizational elements of USEC.

1.3.2 This section applies to any USEC activity affecting the quality of the human environment of the United States, its territories or possessions. Appendix A of this section applies to any USEC activity having environmental effects outside the United States, its territories or possessions.

1.4 Definitions

1.4.1 The definitions set forth in 40 CFR part 1508 are referenced and used as guidance in this Section of the USEC Environmental Review Policy and Procedures.

1.4.2 In addition to the terms defined in 40 CFR part 1508, the following definitions apply:

Activity means a project, program, plan, or policy that is subject to USEC's control and responsibility. Not included within this definition are activities for which USEC has no discretion.

Adjacent state means a state that has a common boundary with a host state.

American Indian tribe means any federally recognized Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska native entity.

Categorical exclusion (CX) means an activity that does not individually or cumulatively have a significant effect on the human environment and, therefore, one for which USEC may not prepare either an environmental assessment or environmental impact statement.

CEO means the Chief Executive Officer of USEC.

CEQ means the Council on Environmental Quality as defined at 40 CFR 1508.6.

CEQ regulations means the regulations issued by CEQ (40 CFR Parts 1500 through 1508) to implement the procedural provisions of NEPA.

CERCLA means the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 9601.101[14]).

CFR means Code of Federal Regulations.

Day means a calendar day.

Draft Environmental Impact Statement (DEIS) means a draft of a document designed to inform the public how environmental factors have been considered in making a decision on a proposed activity.

EA means an environmental assessment.

Emergency action means an unplanned action necessary to prevent, or eliminate, acute health, safety, or environmental problems.

EIS means an environmental impact statement, or, unless this policy specifically provides otherwise, a Supplemental EIS.

Environmental Compliance Officer means the USEC official designated by the CEO as having responsibility for oversight and coordination of corporate compliance with the USEC environmental review policy and procedures.

Environmental review document means a NOI, EIS, EA, FONSI, decisional document or any other document prepared in observance of these procedures.

Environmental review means the process used in observance of these procedures.

EPA means the U.S. Environmental Protection Agency.

Filing notice means a notice issued by the EPA (i.e., a U.S. EPA Notice of Availability) for draft and final EISs and published in the **Federal Register** to inform the public and interested agencies of the availability of an EIS.

Final Environmental Impact Statement (FEIS) means a document designed to inform the public how environmental factors have been considered in making a decision on a proposed activity.

Floodplain means that area adjoining inland and coastal waters including the stream channel and floodway fringe subject to a 1 percent or greater probability of flooding in any given year.

FONSI means a Finding of No Significant Impact.

FS means a Feasibility Study as prepared in accordance with CERCLA.

Hazardous substance means a substance identified within the definition of hazardous substances in section 101(14) of CERCLA (42 U.S.C. 9601.101[14]). Radionuclides are hazardous substances through their listing under section 112 of the Clean Air Act (42 U.S.C. 7412) (40 CFR part 61, subpart H).

Host state means a state within whose boundaries USEC proposes an activity at an existing facility or construction or operation of a new facility.

Host tribe means an American Indian tribe within whose tribal lands USEC proposes an activity at an existing facility or construction or operation of a new facility. For purposes of this definition, "tribal lands" means the area of "Indian country," as defined in 18 U.S.C. 1151, that is under the tribe's jurisdiction.

Interim activity means an activity concerning a proposal that is the subject of an ongoing EIS and that USEC proposes to take before a decisional document is issued, following section 2.3 of these procedures.

Low enriched uranium (LEU) means uranium that has been increased in its U–235 content beyond the level found in naturally occurring uranium (0.711 percent U–235), but no greater than 20 percent. LEU has been an article of common commerce with the United States and globally for at least 30 years. It is transported via common carrier in accordance with U.S. Department of Transportation (DOT) regulations in tested and DOT-approved packaging which is highly resistant to failure in the event of transportation accidents.

Mitigation Action Plan (MAP) means a document that describes the plan for implementing commitments made in a USEC EIS and an associated decisional document, or, when appropriate, an EA and FONSI, to mitigate adverse environmental impacts associated with an activity.

NEPA means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

NOI means a Notice of Intent to prepare an EIS.

Notice of availability means a formal notice, published in the **Federal Register**, that announces the issuance and public availability of a draft or final EIS. The EPA Notice of Availability is the official public notification of an EIS; a USEC Notice of Availability is an optional notice used to provide information to the public.

Pollutant means a substance identified within the definition of pollutant in Section 101(33) of CERCLA (42 U.S.C. 9601.101[33]).

Program means a sequence of connected or related USEC activities or projects.

Programmatic document means an EA or EIS that identifies and assesses the environmental impacts of broad-scope USEC activities.

Project means a specific USEC undertaking including activities approved by permit or other regulatory decision as well as Federal and federally assisted activities, which may include design, construction, and operation of an individual facility; research, development, demonstration, and testing for a process or product, funding for a facility, process, or product; or similar activities.

Scoping means the process for determining the scope of issues to be addressed in an EIS and for identifying the significant issues related to a proposed activity; "public scoping process" refers to that portion of the scoping process where the public is invited to participate.

Supplemental EIS means an EIS prepared to supplement a prior EIS.

USEC means United States Enrichment Corporation.

USEC proposal (or proposal) means a proposal initiated by USEC.

Wetland means those areas that possess hydrological, vegetation, and soils characteristics which define wetlands as noted in the U.S. Army Corps of Engineers definition (33 CFR 328.3[b]).

1.5 Oversight of USEC Environmental Review Processes

The USEC Chief Executive Officer, or his/her designee, is responsible for overall implementation of the USEC environmental review policy and procedures. Further information on USEC's environmental review processes and the status of individual environmental reviews may be obtained upon written request from the Environmental Compliance Officer, United States Enrichment Corporation located at Two Democracy Center, 6903 Rockledge Drive, Bethesda, MD 20817.

2.0 USEC Planning and Decisionmaking

2.1 USEC Planning

2.1.1 USEC will provide for adequate and timely environmental review and analysis of USEC proposals, including those for programs, policies, and projects, following this Section of the USEC environmental review policy and looking to 40 CFR 1501.2 for guidance. In its planning for each proposal, USEC will include adequate time and funding for proper environmental review evaluation and analysis and for preparation of anticipated environmental review documents.

2.1.2 USEC will begin its environmental review evaluation as soon as possible after the time that USEC proposes an activity or is presented with a proposal.

2.1.3 USEC will determine the level of evaluation and analysis to be conducted for a proposal, following Subsection 3.1.1 and Section 4.0 of this USEC policy.

2.1.4 During the development and consideration of a USEC proposal, USEC will review any relevant planning and decisionmaking documents, whether prepared by USEC or a Federal agency, to determine if the proposal or any of its alternatives are considered in a prior environmental review document. If so, USEC will consider adopting the existing document, or any pertinent part thereof.

2.1.5 Where appropriate, in its environmental review evaluations and analyses, USEC will examine biodiversity considerations following the approaches outlined in CEQ's "Incorporating Biodiversity Considerations into Environmental Impact Analysis Under the National Environmental Policy Act" (January 1993), and other methodologies. Where appropriate, USEC will also examine and follow CEQ's pollution prevention guidance (58 FR 6478; January 29, 1993).

2.2 USEC Decisionmaking

2.2.1 USEC's environmental review process includes the systematic examination and evaluation of the possible and probable environmental consequences of a proposed activity. Integration of the environmental review process into USEC project planning will occur at the earliest possible time. Section 2.4 of this USEC environmental review policy specifies how the environmental review process will be integrated with decision points for certain types of proposals.

2.2.2 The objectives of USEC's environmental review process are to ensure that: (1) Planning and decisionmaking is accomplished such that the USEC decisionmaker is aware of the environmental consequences associated with implementation of the proposed action and is thus able to make an informed decision; (2) the policies and goals outlined in Section 1.2 are implemented; (3) delays and conflicts later in the process are minimized; and (4) the public has an opportunity as provided for in this policy to participate in the USEC decisionmaking process.

2.2.3 USEC will complete its evaluations and analyses of a proposal under consideration before making a decision on the proposal (except as otherwise provided in these procedures).

2.2.4 USEC will utilize a systematic, interdisciplinary approach that ensures the integrated use of the natural and social sciences, planning and the environmental design arts in ensuring that all USEC decisionmaking that may impact the human environment achieves the policies and goals outlined in Section 1.2 of this policy.

2.2.5 It is USEC's intent that environmental effects and values of a proposed activity be considered in sufficient detail along with other non-environmental analyses of the action (such as economic, engineering, and technical benefit: cost analyses) at the earliest possible time in the decision process.

2.2.6 During the decisionmaking process for each USEC proposal, USEC will consider the relevant environmental review analyses and documentation, public and agency comments (if any) on those analyses and documents, and USEC responses to those comments, as part of its consideration of the proposal and will include such documents, comments, and responses as part of any related formal administrative record.

2.2.7 If an EIS or EA is prepared for a USEC proposal, USEC will consider the alternatives analyzed in that EIS or EA before rendering a decision on that proposal; the decision on the proposal will be within the range of alternatives analyzed in the EA or EIS. USEC analyses documented in an EA or EIS will highlight the preferred alternative as well as the other alternatives considered, and will outline the mitigation measures needed to reduce the significant environmental impacts of the preferred alternative.

2.2.8 When USEC uses a broad decision (such as one on a policy or program) as a basis for a subsequent narrower decision (such as one on a project or other site-specific proposal), USEC may use tiering (summarizing the issues discussed in the earlier review and incorporating discussions from that review by reference) and incorporation of material by reference in the environmental review for the subsequent narrower proposal.

2.3 Interim Activities: Limitations on Activities During the EIS Process

While USEC is preparing an EIS under Section 3.3 of this policy, USEC will not take any action concerning the proposal that is the subject of the EIS before issuing a decisional document, except as provided at 40 CFR 1506.1. Activities that are covered by, or are a part of, a USEC proposal for which an EIS is being prepared will not be categorically excluded under Section 4.0 unless they qualify as interim activities under 40 CFR 1506.1(c).

2.4 Procurement, Financial Assistance, and Joint Ventures

2.4.1 This section applies to USEC competitive and limited-source procurements, to awards of financial assistance by a competitive process, and to joint ventures entered into as a result of competitive solicitations, unless the activity is categorically excluded from preparation of an EA or EIS under Section 4.0 of this policy. Subsections 2.4.2 through 2.4.5 of this Section apply as well to USEC sole-source procurements of sites, systems, or processes, to noncompetitive awards of financial assistance, and to sole-source joint ventures, unless the activity is categorically excluded from preparation of an EA or EIS under Section 4.0.

2.4.2 USEC may require that offerors submit environmental data and analyses as a discrete part of the offeror's proposal. USEC will specify in its solicitation document the type of information and level of detail for environmental data and analyses so required.

2.4.3 USEC may utilize the environmental data and analyses submitted by offerors in USEC environmental review documents, either directly or by reference, subsequent to independently evaluating and verifying the accuracy of the submitted information. If USEC chooses to utilize the information in USEC environmental review documents, either directly or by reference, the names of the persons responsible for the independent evaluation will be included in the list of preparers of the document.

2.4.4 USEC may permit an offeror to prepare an EA as a discrete part of the offeror's proposal. If USEC does so, it

will independently evaluate and verify the accuracy of the EA submitted by the offeror and will direct the offeror to include in the list of preparers of the document the names of the persons responsible for the independent evaluation. In addition, USEC will make its own evaluation of the environmental issues and take responsibility for the scope and content of the EA.

2.4.5 If an EA or EIS is prepared, USEC will prepare, consider and publish the EA or EIS following Sections 3.3 and 3.4 of this policy before taking any action pursuant to the award of a contract for financial assistance (except as otherwise provided in these procedures). If the environmental review process is not completed before the award of the contract, financial assistance, or joint venture, then the contract, financial assistance, or joint venture will be contingent on completion of the environmental review process (except as otherwise provided in these procedures). USEC will phase subsequent contract work to allow the environmental review process to be completed in advance of a go/no-go decision.

3.0 Policy Implementation

3.1 General Requirements

3.1.1 USEC will determine, under the procedures in this Section of USEC policy, whether any USEC proposal has a significant impact on the human environment by:

(a) Preparation of an EIS;

(b) Preparation of an EA; or

(c) Determination that the proposed action is categorically excluded from preparation of either an EIS or an EA.

3.1.2 USEC may prepare environmental review analysis and documentation for any USEC activity at any time. This may be done to analyze the consequences of ongoing activities, support USEC planning, assess the need for mitigation, fully disclose the potential environmental consequences of USEC activities, or for any other reason. Documents prepared under this paragraph will be prepared in the same manner as USEC documents prepared under Subsection 3.1.1 of this policy. When EAs and EISs are undertaken, the economic and social impact considerations will be incorporated into the analyses of environmental impacts. Economic and social impacts by themselves, in the absence of physical environmental impacts will not, however, determine whether or not to prepare an EA or an EIS.

3.2 Agency Review and Public Participation

3.2.1 USEC will make its environmental review documents available to Federal agencies, states, local governments, American Indian tribes, interested groups, and the general public, utilizing 40 CFR 1506.6 as guidance.

3.2.2 Wherever feasible, USEC environmental review documents will explain technical or scientific terms or measurements using terms familiar to the general public.

3.2.3 USEC will notify the host state, U.S. EPA, and the host tribe of a USEC determination to prepare an EA or EIS for a USEC proposal, and may notify any other state or American Indian tribe that, in USEC's judgment, may be affected by the proposal.

3.2.4 USEC may, at its discretion, rely on a federal or state agency's EIS, EA, or portions thereof, if such document encompasses the proposed USEC activity.

3.3 Environmental Impact Statements

USEC will prepare and circulate EISs and related decisional documents, as provided in this Subsection of USEC policy. USEC may prepare an EIS on any USEC activity at any time to assist USEC planning and decisionmaking.

3.3.1 *Environmental Impact Statements.* USEC will prepare an EIS for a proposed USEC activity that is described in the classes of activities listed in Section 4.4 of these procedures. USEC may prepare an EIS on any USEC activity at any time to assist USEC planning and decisionmaking.

3.3.2 *Purposes.* A USEC EIS will serve the purposes of assessing possible significant environmental impacts associated with a proposed activity and of assessing reasonable alternatives which would avoid or minimize possible adverse impacts or enhance the quality of the human environment.

3.3.3 *Content.* An EIS is a concise analytical document supported by evidence that USEC has made the appropriate environmental analyses. A USEC EIS will follow the provisions of Subsection 3.3.4 of this policy.

3.3.4 *Format.* An EIS should consist of the following sections:

1. Cover Sheet.
2. Summary.
3. Table of Contents.
4. Purpose of and need for activity.
5. Alternatives including proposed activity.
6. Affected environment.
7. Environmental consequences.
8. List of preparers.
9. List of agencies, organizations and persons to whom copies of the EIS are sent.
10. Index.
11. Appendices as necessary to support the EIS.

3.3.5 *Notice of Intent and Scoping.* USEC will publish a Notice of Intent (NOI) in the **Federal Register** and conduct an EIS scoping process, following the approach identified in 40 CFR 1501.7. Publication of the NOI in the **Federal Register** initiates the scoping process wherein USEC provides the public, Federal agencies, state, regional and local agencies, public interest groups and other interested parties the opportunity to comment on the proposed action early in the process and to affect the scope of the EIS. The NOI will contain the elements identified in 40 CFR 1508.22 and will be published as soon as practicable after a decision is made to prepare an EIS except in cases identified in 40 CFR 1507.3(e). However, if there will be a lengthy period of time between its decision to prepare an EIS and the time of actual preparation, USEC may defer publication of the NOI until a reasonable time before preparing the EIS, provided that USEC allows a reasonable opportunity for interested parties to participate in the EIS process. Through the NOI, USEC will invite comments and suggestions on the scope of the EIS. USEC will disseminate the NOI following the approach identified in 40 CFR 1506.6.

3.3.6 Publication of the NOI in the **Federal Register** will begin the public scoping process. The public scoping process for a USEC EIS will allow a minimum of 30 days for the receipt of public comments.

3.3.7 Except as provided in Subsection 3.3.15 of this Section, USEC may hold a public scoping meeting(s) as part of the public scoping process for a USEC EIS. USEC will announce the location, date, and time of public scoping meetings in the NOI or by other appropriate means, such as additional notices in the **Federal Register**, news releases to the local media, or letters to affected parties. If USEC decides to hold public scoping meetings, USEC will endeavor not to hold them until at least 15 days after public notification. Should USEC change the location, date, or time of a public scoping meeting, or schedule additional public scoping meetings, USEC will publicize these changes in the **Federal Register** or in other ways as appropriate. USEC may also utilize other means of affording the public, Federal agencies, state, regional and local agencies and other interested parties the opportunity to comment

during the scoping period. These other means may include notices and news releases in local media; direct letters to and contacts with affected parties; provision of copies of the NOI and other pertinent materials in reading rooms at USEC facilities and at public facilities such as libraries; and mail surveys within areas or regions affected by the proposed action.

3.3.8 In determining the scope of the EIS, USEC will consider all comments received during the announced comment period held as part of the public scoping process. USEC may also consider comments received after the close of the announced comment period.

3.3.9 *Public Review of Environmental Impact Statements.* USEC will provide for a public review and comment period on a USEC draft EIS of no less than 45 days. USEC may extend the period as needed, following the approaches identified in 40 CFR 1506.10(d) and/or 40 CFR 1507.3(d). USEC will evaluate requests for extension of the comment period beyond 45 days and will, in its discretion, extend the comment period as appropriate. Failure to file timely comments will not be a sufficient reason for an extension. The public comment period begins when EPA publishes a Notice of Availability of the document in the **Federal Register**. The host state, and, as appropriate, adjacent state(s) will be provided copies of the draft EIS.

3.3.10 USEC may hold a public meeting(s) on USEC draft EISs. USEC will announce such public meetings at least 15 days in advance. The announcement will identify the subject of the draft EIS and include the location, date, and time of the public hearings.

3.3.11 *Final Environmental Impact Statements.* USEC will prepare a final EIS following the public comment period and any public meetings on the draft EIS. The final EIS will respond to oral and/or written comments received during public review of the draft EIS. A Notice of Availability of the final EIS will be published in the **Federal Register**.

3.3.12 USEC will use appropriate means to publicize the availability of draft and final EISs and the time and place for any public meetings on a draft EIS. The methods chosen should focus on reaching persons who may be interested in or affected by the proposal and may include the methods listed in 40 CFR 1506.6(b)(3). The host state, affected American Indian tribes, and, as appropriate, the adjacent state(s) will be provided copies of the final EIS.

3.3.13 *Supplemental Environmental Impact Statements.* USEC will prepare a supplemental EIS if there are substantial changes to the proposal or significant new circumstances or information relevant to environmental concerns.

3.3.14 USEC may supplement a draft EIS or final EIS at any time.

3.3.15 USEC will prepare, circulate, and file a supplement to a draft or final EIS in the same manner as any other draft and final EISs, except that scoping is optional for a supplement. If USEC initiates a public scoping process for a supplement, the provisions of Subsections 3.3.5 through 3.3.8 of this policy will apply. If USEC decides to take action on a proposal covered by a supplemental EIS, USEC will prepare a decisional document, following the provisions of Subsection 3.3.17 through 3.3.20 of this policy.

3.3.16 When applicable, USEC will incorporate an EIS supplement into any related formal administrative record on the activity that is the subject of the EIS supplement or determination.

3.3.17 *Decisionmaking.* USEC will refrain from making a decision on a proposal covered by an EIS for 30 days following completion of the final EIS, except as otherwise provided in these procedures. The 30-day period starts when the Notice of Availability for the final EIS is published in the **Federal Register**.

3.3.18 If USEC decides to take action on a proposal covered by an EIS, it will prepare a decisional document (except as otherwise provided in these procedures). No action will be taken until the decision has been made public (except as otherwise provided in these procedures).

3.3.19 USEC will publish decisional documents in the **Federal Register** and make them available to the public, except as provided in Subsection 3.7 of these procedures.

3.3.20 USEC may revise a decisional document at any time, so long as the revised decision is adequately supported by an existing EIS. Revised decisional documents are subject to the provisions of Subsection 3.7 of this policy.

3.4 Environmental Assessments

USEC will prepare and circulate EAs and related FONSIs, as provided in this subsection of USEC policy.

3.4.1 *Environmental Assessments.* USEC will prepare an EA for a proposed USEC activity that is described in the classes of activities listed in Section 4.3 of these procedures, and for a proposed USEC activity that is not described in any of the classes of activities listed in Section 4.0. USEC will not prepare an EA, however, if USEC has decided to prepare an EIS. USEC may prepare an EA on any action at any time in order to assist USEC planning and decisionmaking.

3.4.2 *Purposes.* A USEC EA will serve the purposes of providing sufficient evidence and analysis for determining whether to prepare an EIS or to issue a FONSI and facilitating preparation of an EIS when one is necessary.

3.4.3 *Content.* A USEC EA will follow the provisions found in Subsection 3.4.4 of this policy. In addition to any other alternatives, USEC will assess the no action alternative in an EA, even when the proposed activity is specifically required by legislation or a court order.

3.4.4 Format. An EA is a concise analytical document prepared to determine the extent of potential environmental impacts of a project and decide whether or not those impacts are significant. The EA will incorporate by reference any baseline environmental documents, limiting descriptions and evaluations relevant to the environmental resources affected by the proposed activity.

An EA should consist of the following sections:

1. Purpose and need for action;
2. Description of the proposed activity and alternatives (including no-action);
3. Description of the affected environment;
4. Environmental consequences of the proposed activity and alternatives;
5. Summary;
6. List of agencies and/or individuals contacted;
7. List of preparers;
8. Appendices as necessary to support the EA.

3.4.5 *Public Participation.* Depending on the scope of the project and the potential environmental impacts of the proposed activity, USEC may choose, in its discretion, to provide for public scoping in relation to preparing an EA. If USEC deems the scoping process (Subsections 3.3.5 through 3.3.8 of these procedures) appropriate, USEC will begin the process early in the preparation of the EA to provide timely and pertinent public input which would be useful if a decision is reached to prepare an EIS.

3.4.6 *Distribution.* Copies of the EA and FONSI will be provided to the host state, U.S. EPA, affected American Indian tribes, and, as appropriate, adjacent states. In appropriate circumstances, USEC will make copies of the EA and FONSI available to the affected public as well, utilizing 40 CFR 1506.6 as guidance.

3.4.7 *Findings of No Significant Impact.* USEC will prepare a FONSI

only if the related EA supports the finding that the proposed activity will not have a significant effect on the human environment. If a USEC EA does not support a FONSI, USEC will prepare an EIS and issue a decisional document before taking action on the proposal addressed by the EA, except as otherwise provided in this policy.

3.4.8 *A USEC FONSI will include the following:*

(a) A brief presentation of the reasons why an action, not otherwise described in Section 4.2 of this policy, will not have a significant impact on the human environment;

(b) A summary of the supporting EA, including a brief description of the proposed activity and alternatives considered in the EA, environmental factors considered, and projected impacts;

(c) A reference to any other related environmental documents;

(d) Any commitments to mitigations that are essential to render the impacts of the proposed activity not significant, beyond those mitigations that are integral elements of the proposed activity, and a reference to any relevant Mitigation Action Plan prepared under Subsection 3.6 of this policy;

(e) The date of issuance; and

(f) The signature of the USEC approving official.

3.4.9 USEC will make FONSIs available to the public as provided at Subsection 3.4.6 of this policy; USEC will also make copies available for inspection in the appropriate USEC public reading room(s) or other appropriate location(s) for a reasonable time.

3.4.10 In certain circumstances, USEC will issue a proposed FONSI for a public review and comment period of 30 days, along with the related EA, (except as otherwise provided in this policy), before making a final determination on the FONSI. These circumstances are described in 40 CFR 1501.4(e)(2). USEC may issue a proposed FONSI for public review and comment in other situations as well.

3.4.11 Upon issuance of the FONSI, USEC may proceed with the proposed activity subject to any mitigation commitments expressed in the FONSI, or as appropriate, the Mitigation Action Plan.

3.4.12 USEC may revise a FONSI at any time, so long as the revision is supported by an existing EA. A revised FONSI is subject to all provisions of Subsections 3.4.7 through 3.4.11 of this policy.

3.5 Programmatic Analysis and Documentation

3.5.1 When appropriate to support a USEC programmatic decision, USEC will prepare a programmatic EIS. USEC may also prepare a programmatic EIS at any time.

3.5.2 A USEC programmatic document will be prepared, issued, and circulated following the guidelines for any other environmental review document, as provided for in this USEC policy.

3.5.3 During the time period that it is a wholly owned government corporation, USEC will evaluate programmatic EISs prepared under this Subsection at least every five years. USEC will determine whether to prepare a new programmatic EIS or supplement the existing EIS, as appropriate.

3.6 Mitigation Action Plans

3.6.1 Following completion of each EIS and its associated decisional document, USEC will prepare a Mitigation Action Plan (MAP) that addresses mitigation commitments expressed in the decisional document. If no mitigation commitments are made in the decisional document, a MAP will not be prepared. The MAP will be made available to the public and will explain how the corresponding mitigation measures, designed to mitigate adverse environmental impacts associated with the course of action directed by the decisional document, will be planned and implemented. The MAP will be prepared before USEC takes any action directed by the decisional document that is the subject of a mitigation commitment.

3.6.2 For EAs, under certain circumstances as specified in Subsection 3.4.8 of this policy, USEC will also prepare a MAP for commitments to mitigations that are essential to render the impacts of the proposed activity not significant. Such commitments may be integral elements of the proposed activity. If such commitments are not necessary, a MAP will not be prepared. The MAP will address all commitments to such mitigations and explain how mitigation will be planned and implemented. The MAP will be prepared before the FONSI is issued and will be referenced therein.

3.6.3 Each MAP will be as complete as possible, commensurate with the information available regarding the course of action either directed by the decisional document or the activity to be covered by the FONSI, as appropriate. USEC may revise the MAP as more specific and detailed information becomes available.

3.6.4 USEC will make copies of the MAPs available for inspection at the appropriate USEC site(s) or other appropriate location(s) for a reasonable time. Copies of the MAPs will also be available upon written request to the point of contact noted in subsection 1.5 of this policy.

3.7 Classified, Confidential, and Otherwise Exempt Information

3.7.1 USEC will not disclose classified, confidential, or other information that USEC otherwise would not disclose pursuant to Title IX of the Energy Policy Act (42 U.S.C. 2297b–13) (Control of Information) or other applicable law.

3.7.2 To the fullest extent possible, USEC will segregate any information that is exempt from disclosure requirements into an appendix to allow public review of the remainder of an environmental review document.

3.8 Coordination With Other Environmental Examinations

3.8.1 USEC will integrate its environmental review processes provided for in this policy and coordinate environmental reviews with other environmental examinations to the fullest extent possible.

3.8.2 To the extent possible, USEC will determine the applicability of other environmental examinations early in the planning process, in consultation with Federal agencies when necessary or appropriate, to ensure appropriate action and to avoid delays, and will incorporate any relevant procedures as early in the review process as possible.

3.8.3 USEC will integrate its environmental review processes for hazardous waste remediation activities being conducted under CERCLA into the Feasibility Study (FS). When the FS is prepared under 40 CFR part 300, a second environmental review document is not required. The cover and title page of the FS and decisional document will indicate that the document is also intended to act as an environmental review document under this policy. When an FS is not prepared under 40 CFR part 300, appropriate environmental review documentation will be prepared.

3.9 Interagency Cooperation

For USEC programs that involve a Federal agency or agencies in related decisions for which environmental reviews will be conducted, USEC will follow the approach identified in 40 CFR 1501.5 and 1501.6. As part of this process, USEC will cooperate with the involved agencies in developing environmental information and in

determining whether an EIS or EA will be prepared for a proposal or whether the proposal will be categorically excluded from preparation of either. Further, where appropriate and acceptable to the involved agencies, USEC will develop or cooperate in the development of interagency agreements to facilitate coordination and to reduce delay and duplication.

3.10 Variances

3.10.1 *Emergency Actions.* USEC may take an action without observing all provisions of these procedures in emergency situations that demand immediate action. USEC will consult with CEQ as soon as possible regarding alternative arrangements for emergency actions having significant environmental impacts, and will limit such arrangements to actions necessary to control the immediate impacts of the emergency. USEC will document, including publishing a notice in the **Federal Register** emergency actions covered by this paragraph; this documentation will identify any adverse impacts from the actions taken, further mitigation necessary, and any environmental review documents that may be prepared.

3.10.2 *Reduction of Time Periods.* On a case-by-case basis, USEC may find it necessary to reduce time periods established in these procedures that are not specifically provided for in the CEQ Regulations. If USEC determines that such reduction is appropriate, USEC will publish a notice in the **Federal Register** specifying the revised time periods and the rationale for the reduction.

4.0 Typical Classes of Actions

4.1 Level of Review

4.1.1 This section identifies USEC activities for which usually:

(a) Neither an EIS nor an EA will be prepared (the activities are categorically excluded from preparation of either document) (Subsection 4.2 of this policy);

(b) An EA, but not necessarily an EIS, will be prepared (Subsection 4.3 of this policy); or

(c) An EIS will be prepared (Subsection 4.4 of this policy).

4.1.2 Any completed, valid environmental review analyses and documents, including those completed by the U.S. Department of Energy for USEC facilities prior to July 1, 1993 do not have to be repeated, and no completed environmental review documents need to be redone, except as provided in Subsection 3.5.3 of these procedures.

4.2 Categorical Exclusions

4.2.1 Categorical Exculsions encompass classes of activities which do not usually have, either individually or cumulatively, a significant impact on the quality of the human environment and for which neither an EA nor an EIS will be prepared. USEC may, however, choose to prepare an EA or an EIS on any activity at any time to aid USEC decisionmaking. For a project to be considered and assessed as a categorically excluded activity, it must satisfy the following conditions.

(a) The proposed activity would not threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, or health.

(b) The proposed activity would not require siting and construction or major expansion of waste storage (> 90 days storage), disposal, recovery, or treatment facilities (including incinerators and facilities for treating wastewater, surface water, and groundwater).

(c) The proposed activity would not disturb hazardous substances, pollutants or contaminants preexisting in the environment such that there would be uncontrolled or unpermitted releases.

(d) The proposed activity would not adversely affect environmentally sensitive resources including, but not limited to: (i) Property of historic, archaeological, or architectural significance designated by Federal, state, or local governments or property eligible for listing on the National Register of Historic Places; (ii) federally-listed threatened or endangered species or their habitat (including critical habitat), federally-proposed or candidate species or their habitat, or state-listed endangered or threatened species or their habitat; (iii) floodplains and wetlands; (iv) areas having a special designation such as federally-and state-designated wilderness areas, national parks, national natural landmarks, wild and scenic rivers, state and federal wildlife refuges, and marine sanctuaries; (v) prime agricultural land; (vi) special sources of water (such as sole-source aquifers, wellhead protection areas, and other water sources that are vital in a region) and (vii) tundra, coral reefs, or rain forests.

4.2.2 For a proposed activity to be considered for a categorical exclusion, the following statement will be applicable:

This project would pose no significant individual or cumulative effect on the human environment. This project would not adversely affect any environmentally sensitive resources and is not part of a proposed activity that is or may be the subject of an Environmental Assessment or Environmental Impact Statement. There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposed project.

4.2.3 *Categorical Exclusions Applicable to Generate USEC Activities.* The following types of activities are categorical exclusions applicable to general USEC activities. This does not, however, preclude these types of activities from the normal environmental oversight and monitoring that would occur as a routine part of USEC's environmental compliance activities.

(a) Routine activities necessary to support the normal conduct of corporate business such as administrative, financial, and personnel actions.

(b) Sale, purchase, trade, import, or export of low enriched uranium (20 percent or less assay U–235). This includes the shipment of LEU (or uranium hexafluoride) in DOT approved canisters and overpacks via common carrier.

(c) Sale, purchase, trade, import, or export of natural and depleted Uranium materials.

(d) Transfer, lease, disposition, or acquisition of property, if the use is to remain unchanged from current uses.

(e) Award of contracts for technical support or personnel services.

(f) Information gathering, including but not limited to: literature surveys, inventories, and document preparation (e.g. feasibility studies, conceptual design reports, planning documents)

(g) Technical and planning assistance to state, federal, international, and local organizations.

(h) Employee health & safety training and emergency preparedness activities.

(i) Establishment of prices for enriched uranium.

(j) In accordance with applicable state and federal regulations, shipment of materials necessary to transact USEC business, including shipment of low-level radioactive wastes or hazardous wastes to an approved, permitted, commercial or DOE facility that normally accepts these wastes. USEC will comply with applicable DOT, NRC, EPA, state, or local regulatory requirements.

4.2.4 *Categorical Exclusions Applicable to Facility Operation.* The following types of activities are categorical exclusions applicable to facility operations. This does not, however, preclude these types of activities from the normal environmental oversight and monitoring

that would occur as a routine part of USEC's environmental compliance activities.

(a) Installation of fencing within existing fenced security areas or facilities.

(b) Routine maintenance activities and custodial services for buildings, structures, infrastructures (e.g., security fences), and equipment, during which operations may be suspended and resumed. This action is not applicable to those facilities currently on or eligible for the National Historic Register. Custodial services are activities to preserve facility appearance, working conditions, and sanitation, such as cleaning, window washing, lawn mowing, trash collection, painting, and snow removal. Routine maintenance activities, corrective (that is, repair), preventive and predictive, are required to maintain and preserve buildings, structures, infrastructures, and equipment in a condition suitable for a facility to be used for its designated purpose. Routine maintenance may result in replacement to the extent that the replacement performs the same or similar function and does not require major facility modifications. Routine maintenance activities include, but are not limited to:

- Repair of facility equipment, such as lathes, mills, pumps and presses.
- Door and window repair or replacement.
- Wall, ceiling, or floor repair. Oct. 24, 1992—Private Law 102–20.
- Minor reroofing.
- Plumbing, electrical utility, and telephone service repair.
- Routine replacement of high-efficiency particulate air filters, and routine air filter cleaning.
- Inspection and/or maintenance of currently installed utility poles.
- Repair of road embankments.
- Repair or replacement of fire protection sprinkler systems.
- Road and parking area resurfacing, including construction of temporary access to facilitate resurfacing as long as the temporary access does not adversely affect environmentally sensitive areas.
- Erosion control and soil stabilization measures (such as reseeding and revegetation), as long as revegatation is with native species.
- Surveillance and maintenance of surplus facilities.
- Repair and maintenance of transmission facilities, including replacement of conductors of the same nominal voltage, poles, circuit breakers, transformers, capacitors, crossarms, insulators, and downed transmission lines, where appropriate, under 40 CFR part 761 (Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions).
- Routine testing and calibration of facility components, subsystems, or portable equipment (including but not limited to, control valves, transformers, capacitors).
- Routine decontamination and/or cleanup of spot or minor radiological contamination or hazardous/toxic materials on the surfaces of equipment, rooms, hot cells, or other interior surfaces of buildings (by such activities as wiping with rags, using strippable latex, and minor vacuuming) and removal of contaminated intact equipment (labware) and other materials (e.g., gloves and other clothing).
- Repair of fencing.
- Modification of air conditioning systems.

(c) Routine training exercises and simulations (including, but not limited to, firing-range training, emergency response training, fire fighter and rescue training, and spill cleanup training).

(d) Acquisition, installation, operation, and removal of communication systems, data processing equipment, alarms, and similar electronic equipment.

(e) Routine, onsite USEC storage at an existing facility of activated equipment and material (including lead) used at that facility, to allow reuse after decay of radioisotopes with short half-lives.

(f) Removal of asbestos-containing materials from buildings under 40 CFR part 61 (National Emissions Standards for Hazardous Air Pollutants), subpart M (National Emission Standards for Asbestos), 40 CFR part 763 (Asbestos), subpart G (Asbestos Abatement Projects); 29 CFR part 1910, subpart I (Personal Protective Equipment), § 1910.134 (Respiratory Protection); subpart Z (Toxic and Hazardous Substances), § 1910.1001 (Asbestos, tremolite, anthophyllite and actinolite); and 29 CFR part 1926 (Safety and Health Regulations for Construction), subpart D (Occupational Health and Environmental Controls), § 1926.58 (Asbestos, tremolite, anthophyllite, and actinolite), other appropriate Occupational Safety and Health Administration standards in title 29, chapter XVII of the CFR, and appropriate state and local requirements, including certification of removal contractors and technicians. Such removal will be in accordance with the USEC Asbestos Management Plan (for which environmental review documentation has been completed).

(g) Removal of polychlorinated biphenyl (PCB)-containing items, such as transformers or capacitors, PCB-containing oils flushed from transformers, PCB-flushing solutions, and PCB-containing spill materials from buildings or other aboveground locations under 40 CFR part 761 (Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions).

(h) Energy conservation activities (e.g. replacement of lighting, hot water heaters, thermostats) that do not involve construction of new facilities.

(i) Installation of, or improvements to, equipment for personnel safety and health, including, but not limited to, eye washes, safety showers, radiation monitoring devices, and fumehoods and associated collection and exhaust systems, provided that emissions would not increase.

(j) Minor modifications or improvements to cooling water systems within an existing building or structure provided that such modifications or improvements do not result in an exceedance of any applicable permit conditions or effluent limitations.

(k) Installation or modification of retention tanks or small (normally under one acre) basins and associated piping and pumps for existing operations to control runoff or spills (such as under 40 CFR part 112). Modifications include, but are not limited to, installing liners or covers.

(l) Modifications to structures, systems or operating procedures that do not result in modification to existing emissions or discharge permits.

(m) Siting, construction, operation, and maintenance of above ground water, fuel and chemical storage tanks within the secured site boundary.

(n) Siting, construction, or operation of support buildings and support structures and/or modifications of existing buildings, structures, or roadways, within the secured site boundary. Support buildings and structures (and/or modifications) include, but are not limited to, those for office purposes; parking; cafeteria services; education and training; visitor reception; computer and data processing services; employee health services or recreation activities; routine maintenance activities; storage of supplies and equipment for administrative services and routine maintenance activities; security (including security posts); fire protection; and similar support purposes.

(o) Siting, construction, and operation of small-scale support buildings and structures within the reservation boundary but outside the secured area, where utilities are accessible.

(p) Expansion of existing uranium hexafluoride cylinder storage yards within existing facility boundaries.

(q) Activities involving wetlands that meet the requirements of the U.S. Army Corps of Engineers Nationwide Permit Program (33 CFR parts 325 to 330).

(r) Installation, operation, or abandonment of production water wells for operational use.

4.2.5 *Categorical Exclusions Applicable to Site Characterization, Monitoring, and General Research.* The following types of activities are categorical exclusions applicable to site characterization, monitoring and general research. This does not, however, preclude these types of activities from the normal environmental oversight and surveillance that would occur as a routine part of USEC's environmental compliance program.

(a) Site characterization and environmental monitoring, including siting, construction, operation, or dismantlement or closing (abandonment) of characterization and monitoring devices and siting, construction, or operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis. Activities covered include, but are not limited to, site characterization and environmental monitoring under CERCLA and RCRA. Specific activities include, but are not limited to:

- Geological, geophysical (such as gravity, magnetic, electrical, seismic, and radar), geochemical, and engineering surveys and mapping, including the establishment of survey marks.
- Installation and operation of ambient air monitoring equipment.
- Sampling and characterization of water, soil, rock, or contaminants.
- Sampling and characterization of water effluents, air emissions, or solid waste streams.
- Sampling of non-endangered (Federal and/or state listed) flora or fauna.
- Aerial surveys.

(b) Drop, puncture, water immersion, thermal, and fire tests of transport packaging for radioactive and hazardous materials to certify that the designs meet the requirements of 49 CFR 173.411 and 173.412 and requirements of severe accident conditions as specified in 10 CFR 71.73.

(c) Indoor bench-scale research projects and conventional laboratory operations (for example, preparation of chemical standards and sample analysis) within existing laboratory or production facilities.

(d) Outdoor ecological and other environmental research, inventory, and information collection activities that do not involve sampling techniques that would result in permanent change to the ecosystem, or that would adversely impact listed threatened or endangered species or critical habitat.

(e) Pilot-scale, short duration (less than two-year) research projects within existing laboratory or production facilities.

(f) Installation and operation of field instruments, such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools.

(g) Drilling of wells for sampling or monitoring of groundwater or the vadose (unsaturated) zone, well logging, and installation of water-level recording devices in wells and the abandonment of monitoring wells.

(h) Aquifer response testing.

(i) Installation and operation of meteorological towers and associated activities, including assessment of potential wind energy resources.

(j) Archeological, historic, and cultural resource identification under 36 CFR part 800 and 43 CFR part 7.

4.2.6 *Categorical Exclusions Applicable to Removal and Cleanup Activities.* The following types of activities are categorical exclusions for removal and cleanup activities conducted under RCRA or CERCLA.

(a) Removal activities under CERCLA (including those taken as final response activities and those taken before remedial activity) and removal-type activities similar in scope under RCRA and other authorities (including those taken as partial closure activities and those taken before corrective activity), including treatment (e.g., incineration), recovery, storage, or disposal of wastes at existing facilities currently handling the type of waste involved in the removal activity. These activities will meet the CERCLA regulatory cost and time limits or satisfy either of the two regulatory exemptions from those cost and time limits (National Contingency Plan, 40 CFR part 300). These activities include, but are not limited to:

- Excavation or consolidation of contaminated soils or materials from drainage channels, retention basins, ponds, and spill areas that are not receiving contaminated surface water or wastewater, if surface water or groundwater would not collect and if such activities would reduce the spread of, or direct contact with, the contamination.
- Removal of bulk containers (for example, drums, barrels) that contain or may contain hazardous substances, pollutants, contaminants, CERCLA-excluded petroleum or natural gas products, or hazardous wastes (designated in 40 CFR part 261), if such activities would reduce the likelihood of spillage, leakage, fire, explosion, or exposure to humans, animals, or the food chain.
- Removal of an underground storage tank including its associated piping and underlying containment systems under RCRA, subtitle I; 40 CFR part 265, subpart J; and 40 CFR part 280, subparts F and G if such action would reduce the likelihood of spillage, leakage, or the spread of, or direct contact with, contamination.
- Repair or replacement of leaking containers.
- Capping or other containment of contaminated soils or sludges if the capping or containment would not affect future groundwater remediation and if needed to reduce migration of hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products into soil, groundwater, surface water, or air.
- Drainage or closing of man-made surface impoundments if needed to maintain the integrity of the structures.
- Confinement or perimeter protection using dikes, trenches, ditches, or diversions if needed to reduce the spread of, or direct contact with, the contamination.
- Stabilization, but not expansion, of berms, dikes, impoundments, or caps if needed to maintain integrity of the structures.
- Drainage controls (for example, run-off or run-on diversion) if needed to reduce offsite migration of hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum or natural gas products or to prevent precipitation or run-off from other sources from entering the release area from other areas.
- Segregation of wastes that react with one another to result in adverse environmental impacts.
- Use of chemicals and other materials to neutralize the pH of wastes.
- Use of chemicals and other materials to retard the spread of the release or to mitigate its effects if the use of such chemicals would reduce the spread of, or direct contact with, the contamination.
- Installation and operation of gas ventilation systems in soil to remove methane or petroleum vapors without any toxic or radioactive co-contaminants if appropriate filtration or gas treatment is in place.
- Installation of fences, warning signs, or other security or site control

precautions if humans or animals have access to the release.

• Provision of an alternative water supply that would not create new water sources if necessary immediately to reduce exposure to contaminated household or industrial use water and continuing until such time as local authorities can satisfy the need for a permanent remedy.

(b) The siting, construction, or operation of temporary (generally less than 2 years) pilot-scale waste collection and treatment facilities, and pilot-scale (generally less than one acre) waste stabilization and contaminant facilities (including siting, construction, and operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis) if the activity would not unduly limit the choice of reasonable remedial alternatives (by permanently altering substantial site area or by committing large amounts of funds relative to the scope of the remedial alternatives).

(c) Improvements to environmental monitoring and control systems of an existing building or structure (for example, changes to scrubbers in air quality control systems or ion-exchange devices and other filtration processes in water treatment systems) if during subsequent operations (1) any substance collected by the environmental control systems would be recycled, released, or disposed of within existing permitted facilities and (2) there are applicable statutory or regulatory requirements or permit conditions for disposal release, or recycling of any hazardous substance or CERCLA-excluded petroleum natural gas products that are collected or released in increased quantity or that were not previously collected or released.

(d) Siting, construction (or modification or expansion), operation, or decommissioning of an onsite facility for storing packaged hazardous waste (as designated in 40 CFR part 261) for 90 days or less or as provided in 40 CFR part 262.34 (d), (e), or (f) (e.g., accumulation or satellite areas).

(e) Modifications within an existing structure, including increases in capacity which have already been assessed under an environmental review, used for storing, packaging, or repacking waste other than high-level radioactive waste or spent nuclear fuel, to handle the same class of waste as currently handled at that structure according to applicable regulatory requirements.

(f) Minor operational changes at an existing facility to minimize waste generation and for reuse of materials. These changes include, but are not limited to, adding filtration and recycle piping to allow reuse of machining oil, setting up a sorting area to improve process efficiency, and segregating two waste streams previously mingled and assigning new identification codes to the two resulting wastes.

4.3 Environmental Assessments (Activities for Which USEC Usually Will Prepare an EA)

4.3.1. When USEC determines that a proposed activity does not meet the criteria for a categorical exclusion, or is listed in this Section as an activity for which an EA usually will be prepared, then an EA will be prepared to assess the potential environmental impacts of the proposed activity except as provided in Subsection 4.4 of these procedures. An EA may also be prepared on any activity at any time to aid USEC decisionmaking (Subsection 3.4 of these procedures). The analysis presented in the EA would assess whether an EIS or a FONSI should be prepared.

4.3.2 Activities for which USEC usually will prepare an Environmental Assessment:

(a) Siting, construction, and operation of additional or new waste treatment facilities (e.g. new sewage treatment facilities).

(b) Siting, construction, operation or decommissioning of additional or new hazardous or mixed waste storage facilities outside the secured boundary or for handling new waste streams (i.e., requires modification to the RCRA permit, RCRA/TSCA characterization, or is a new radiological waste stream).

(c) Construction, operation and closure of non-hazardous waste disposal facilities (landfills).

(d) Wetlands mitigations, creation, and restoration.

(e) Major construction projects outside the secured boundary.

(f) Decontamination and decommissioning projects within buildings.

(g) Major new programmatic procurement or initiative with a potential for significant environmental impact.

4.4 Environmental Impact Statements (Activities for Which USEC Usually Will Prepare an EIS)

4.4.1 EIS preparation will follow the relevant provisions of these procedures. USEC may prepare an EIS on any action at any time to aid USEC decisionmaking (Subsection 3.3 of these procedures).

4.4.2 Activities for which USEC usually will prepare an Environmental Impact Statement:

(a) Decontamination and decommissioning of an existing uranium enrichment plant or enrichment process building.

(b) Siting, construction, operation or decommissioning of a new uranium enrichment plant.

(c) Siting, construction, operation and decommissioning of a major production plant (e.g., uranium hexaflouride conversion).

Appendix A—Environmental Effects of USEC Activities Abroad; Effects on the Global Commons

A–1 General

A–1.1 Background

Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions," of January 8, 1979, (3 CFR 1979 Comp., p. 356; 44 FR 1957, Jan. 4, 1979) represents the United States Government's exclusive and complete determination of the procedural and other actions to be taken by Federal agencies to further the purpose of the National Environmental Policy Act with respect to the environment outside the United States, its territories and possessions. It is USEC policy to voluntarily comply with the spirit of the Executive Order during its tenure as a wholly owned government corporation, as a reflection of the Corporation's commitment to environmental protection. Accordingly, USEC has established in this Appendix guidelines and procedures applicable to USEC activities which are of the nature of those addressed by the Executive Order.

A–1.2 Purpose and Scope

These guidelines and procedures are intended for use by all persons acting on behalf of USEC during the time period that USEC is a wholly owned government corporation in endeavoring to ensure compliance with the spirit of Executive Order 12114. The guidelines and procedures are not intended to create or enlarge any procedural or substantive rights or cause of action against USEC.

A–1.3 Applicability

These guidelines apply to all organizational elements of USEC.

A–2 Activities for Which USEC Usually Will Conduct Environmental Reviews

A–2.1 Categories of Activities and Applicable Environmental Review Procedures

In the decisionmaking process for USEC activities, USEC will prepare and take into consideration the documents or studies specified below:

A–2.1.1 Major USEC activities significantly affecting the environment of the global commons outside the jurisdiction of any nation (e.g., the oceans or Antarctica).

An environmental impact statement will be prepared for activities in this category, including, as appropriate, generic, program and specific statements.

A–2.1.2 Major USEC activities significantly affecting the environment of a foreign nation not participating with the United States and not otherwise involved in this action.

For activities in this category one of the following will be prepared:

(a) A bilateral or multilateral environmental study relevant or related to the proposed action. The study is to be conducted by the United States and one or more foreign nations, or by an international body or organization in which the United States is a member or participant; or

(b) A concise analysis of the environmental issues involved including environmental assessments, summary environmental analyses, or other appropriate documents.

A–2.1.3 Major USEC activities significantly affecting the environment of a foreign nation which provide to that nation:

• A product or physical project producing a principal product or an emission or effluent, which is prohibited or strictly regulated by Federal law in the United States because its toxic effects on the environment create a serious public health risk (see Annex 1); or

• A physical project which in the United States is prohibited or strictly regulated by Federal law to protect the environment against radioactive substances.

For activities in this category, USEC will either:

(a) Prepare a document as specified in Section A–2.1.2(a); or

(b) Prepare a document as specified in Section A–2.1.2(b).

A–2.1.4 Major USEC activities outside the United States, its territories and possessions which significantly affect natural or ecological resources of global importance designated for protection by the President pursuant to Section 2–3(d) of Executive Order 12114 or, in the case of such a resource protected by international agreement binding on the United States, by the Secretary of State.

For activities in this category, USEC will either:

(a) Prepare a document as specified in Section A–2.1.1; or

(b) Prepare a document as specified in Section A–2.1.2(a); or

(c) Prepare a document as specified in Section A–2.1.2(b).

A–3 Activities for Which Environmental Reviews Usually Will Not Be Conducted

A–3.1 Activities Exempted by Executive Order 12114

A–3.1.1 Environmental reviews usually will not be conducted under these guidelines and procedures for the following activities:

(a) Activities not having a significant effect on the environment outside the United States, as determined by USEC. (Activities having a potential significant impact on the United States, its territories or possessions are subject to the foregoing provisions of the USEC Environmental Review Policy and Procedures).

(b) Activities undertaken by the President.

(c) Activities undertaken by or pursuant to the direction of the President or a Cabinet officer when the national security or interest is involved or when the activity occurs in the course of an armed conflict.

(d) Intelligence activities and arms transfers.

(e) Export licenses or permits or export approvals, and activities relating to nuclear activities except activities providing to a foreign nation a nuclear production or utilization facility as defined in the Atomic Energy Act of 1954, as amended, or a nuclear waste management facility.

(f) Activities undertaken with respect to "physical projects" and any other export in connection with such projects, pursuant to the definition of "physical projects" contained in "Unified Procedures Applicable to Major Federal Actions Relating to Nuclear Activities Subject to Executive Order 12114," established by the Department of State, 44 FR 65560 (November 13, 1979). For purposes of Executive Order 12114, environmental review of these activities will be undertaken pursuant to the Unified Procedures, and all exclusions contained therein.

(g) Votes and other activities in international conferences and organizations.

(h) Disaster and emergency relief activities.

A–3.2 Activities Exempted by USEC

A–3.2.1 USEC has determined that the general classes of activities which are listed in Annex 2 generally do not have significant environmental impacts for which review under these guidelines would be conducted. Environmental review under these guidelines and procedures will not be conducted for such activities unless USEC determines that a particular activity within such classes will have a significant environmental effect so that such review would be appropriate. USEC may amend or expand Annex 2, as appropriate.

A–3.2.2 USEC may exempt, on a case-by-case basis, any action from these guidelines and procedures when such exemption is determined by USEC to be necessary to meet:

(a) Emergency circumstances;

(b) Situations involving exceptional foreign policy or national security sensitivities;

(c) Other such special circumstances.

A–3.2.3 In utilizing an exemption pursuant to Section A–3.2.2 above, the USEC will consult with the Department of State and the Council on Environmental Quality as soon as is feasible.

A–3.3 Documentation for Exempted Activities

For activities in connection with which USEC utilizes any exclusion or exemption pursuant to Section A–3.1 or A–3.2 of these guidelines and procedures, USEC will prepare a brief record which describes the basis for its determination to utilize such exclusion or exemption.

A–4 Other Provisions

A–4.1 Public Involvement

USEC may, at its discretion, elect to utilize any or all procedures provided for in the foregoing environmental review policy and procedures to facilitate public participation for any document or study prepared under the guidelines and procedures contained in this Appendix.

A–4.2 Timing

A–4.2.1 USEC will commence preparation of environmental documents under these guidelines as close as practicable to the time USEC is developing or is presented with a proposal, and complete such documents early enough so that they can serve practically as an important contribution to the decisionmaking process.

A–4.2.2 Until an environmental document prepared under these guidelines has been completed and considered, USEC will take no action concerning the proposal which would have an adverse environmental impact or limit or prejudice the choice of reasonable alternatives.

A–4.2.3 For activities which have significant impacts both on the environment of the United States, its territories or possessions and on the environment of foreign nations or the global commons, documents prepared pursuant to Sections A–2.1.1, A–2.1.2, or A–2.1.3 of these guidelines analyzing the impacts outside the U.S. will, to the extent practicable, be prepared and reviewed in conjunction with the analyses of the domestic impacts of the proposed activity.

A–4.3 Contents

A–4.3.1 Environmental impact statements prepared pursuant to Section A–2.1.1 or A–2.1.4(a) of these guidelines will consist of the following sections:

1. Cover Sheet
2. Summary.
3. Table of Contents.
4. Purpose of and need for activity.
5. Alternatives including proposed activity.
6. Affected environment.
7. Environmental consequences.
8. List of preparers.
9. List of agencies, organizations and persons to whom copies of the EIS are sent.
10. Index.
11. Appendices as necessary to support the EIS.

A–4.3.2 Bilateral or multilateral environmental studies prepared pursuant to Sections A–2.1.2(a), A–2.1.3(a), A–2.1.4(b) will contain a currently valid analysis of all significant environmental impacts of the proposed activity.

A–4.3.3 Environmental analyses prepared pursuant to Sections A–2.1.2(b), A–2.1.3(b), or A–2.1.4(c) will include brief discussions of:

(a) The proposed activity and the need therefore;

(b) The reasonable alternatives to the proposed activity which could be implemented directly or indirectly by the United States; and

(c) All significant environmental impacts associated with the proposed activity and the reasonable alternatives.

A–4.4 Notice of Availability

A–4.4.1 USEC will, as soon as feasible, inform Federal agencies with relevant interest and expertise of the availability of any documents prepared pursuant to these guidelines.

A–4.4.2 USEC will determine, after consultation with the Department of State, the appropriate time and manner for informing an affected nation of the availability of any relevant documents prepared pursuant to these guidelines.

A–4.4.3 As soon as practicable after notification to an affected nation in

accordance with Section 4.4.2 of these guidelines, USEC will provide notice to the public of the availability of the environmental review documents specified in Sections A–2.1.1, A–2.1.2, A–2.1.3, and A–2.1.4 of this appendix.

A–4.5 Modifications to Contents, Timing and Availability

USEC will make appropriate modifications to the contents, timing, and availability of documents, where necessary, to:

A–4.5.1 Enable USEC to decide and act promptly as and when required;

A–4.5.2 Avoid adverse impacts on foreign relations or infringement in fact or appearance of other nations' sovereign responsibilities when consultation with the Department of State establishes that this would be the case; or

A–4.5.3 Ensure appropriate reflection of:

(a) Diplomatic factors;

(b) International commercial, competitive, and export promotion factors;

(c) Needs for governmental or commercial confidentiality;

(d) National security considerations;

(e) Difficulties of obtaining information and agency ability to analyze meaningfully environmental effects of a proposed activity; and

(f) The degree to which USEC is involved in or able to affect a decision to be made.

A–4.5.4 Modifications to the contents of documents might include, for example, the use of generic, typical, or hypothetical environmental impact analyses where critical site specific data cannot be obtained from an affected foreign nation.

A–4.6 Coordination with the Department of State

USEC will coordinate all communications with foreign governments concerning environmental agreements and other arrangements implementing these guidelines with the Department of State.

A–4.7 Duplication of Resources

A–4.7.1 USEC will not have to prepare any document or study under Section A–4.2.1 of these guidelines if it determines that a document or study already exists that is adequate in scope and content to meet the objectives of these guidelines.

A–4.7.2 USEC may adopt all or part of existing environmental analyses, including those prepared by foreign countries or international organizations, when USEC determines that these analyses are adequate in scope and content to fulfill the objectives of these guidelines.

A–4.7.3 USEC will, in the early stages of preparing any document or study described in Section 2.1 above, request the cooperation of any Federal agency which the Corporation determines to possess a statutory mission or expertise relevant to the proposed activity.

A–4.7.4 Where an activity involves Federal agencies as well as USEC, a lead organization, as determined by those involved, will have responsibility for implementing the provisions of Executive Order 12114 using its own implementing procedures. If USEC is designated as the lead organization, it will utilize these guidelines and procedures to further the spirit and objectives of Executive Order 12114.

A–4.7.5 If USEC prepares an environmental impact statement pursuant to the foregoing environmental review policy and procedures or Section 2.1.1 or 2.1.4(a) of this appendix, for a major USEC activity having significant effects on the environment of the United States or the global commons, and if the activity is included in Section A–2.1.2 or A–2.1.3 above as an activity having significant effects upon the environment of a foreign nation, the environmental impact statement may not necessarily contain a review of these foreign impacts. The appropriate type of environmental review, as described in Section A–2.1.2 or A–2.1.3 above, may be issued as a separate document.

A–4.8 Miscellaneous Provisions

The provisions of Sections A–3.1 and A–3.2 regarding exclusions or exemptions from these procedures do not apply to major USEC activities significantly affecting the environment of the global commons, unless permitted by law.

A–4.9 Definitions

A–4.9.1 *Environment* means the natural and physical environment, and it excludes social economic, and other environments. Social and economic effects do not give rise to any review procedures under these guidelines.

A–4.9.2 *Foreign Nation* means any territory under the jurisdiction of one or more foreign governments, including the territorial seas thereof. For the purpose of these procedures, actions having significant environmental effects on the resources of a foreign nation's continental shelf or, to the extent its claim of jurisdiction is recognized by the United States, on resources of exclusive economic or fisheries zones established in accordance with international law, shall be considered to be actions having significant environmental effects on that foreign nation.

A–4.9.3 *United States* means the States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marinas, the Trust Territory of the Pacific Islands, American Samoa, the United States Virgin Islands, Guam and the other territories and possessions of the United States, including the territorial seas thereof. For the purpose of these procedures, actions having significant environmental effects on the resources of the continental shelf of the United States, or on resources of exclusive economic or fisheries zones established in accordance with international law by the United States, shall be considered to be actions having significant environmental effects in the United States.

A–4.9.4 *Global Commons* is equivalent to areas outside the jurisdiction of any nation and means all areas not described in Subsection A–4.9.3 and not described in Subsection A–4.9.4 above.

A–4.10 Implementation

These guidelines are intended for use by all persons acting on behalf of USEC in carrying out the spirit of Executive Order 12114. Any deviations from the guidelines must be soundly based and must have the advance approval of the Chief Executive Officer, U.S. Enrichment Corporation.

Annex 1–Illustrative List for Determinations Under Section A–2.1.3

1. The following is an illustrative list of the products, emissions and effluents addressed by Section A–2.1.3 of these guidelines: asbestos, acrylonitrile, pesticides, mercury, arsenic, polychlorinated biphenyls, vinyl chloride, isocyanates, benzene, beryllium, and cadmium.

2. The following is an illustrative list of the products, emissions, effluents and *not* encompassed by Section A–2.1.3: ammonia, chlorine, sulphuric acid, sulfur dioxide, sulfate and sulfate liquors, caustic soda, nitric acid, nitrogen oxides, and phosphoric acid.

Annex 2—Actions Normally Excluded by USEC From Preparation of an Environmental Impact Statement, Bilateral or Multilateral Environmental Study or Concise Environmental Analysis Under These Guidelines

1. Approval of USEC participation in international "umbrella" agreements for cooperation in research and development which do not commit the United States to any specific projects or activities.

2. Approval of technical exchange arrangements for information, data or personnel with other countries or international organizations.

3. Approval of arrangements to assist other countries in identifying and analyzing their energy resources, needs and options.

4. Sale, purchase, trade, import, or export of low enriched uranium (20 percent or less assay U–235). This includes the shipment of LEU (or uranium hexafluoride) in DOT approved canisters and overpacks via common carrier.

[FR Doc. 93–29778 Filed 12–1–93; 5:00 pm]
BILLING CODE 6270–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 233
Tuesday, December 7, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Thursday, December 23, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-29981 Filed 12-3-93; 2:55 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., Tuesday, December 21, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule Enforcement Review.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-29980 Filed 12-3-93; 2:55 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, December 10, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-29976 Filed 12-3-93; 2:55 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, December 14, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-29977 Filed 12-3-93; 2:55 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, December 17, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-29978 Filed 12-3-93; 2:55 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, December 21, 1993.

PLACE: 2033 K St., NW., Washington, DC, Lower Level Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

—Distribution of Property of Bankrupt FCM that had participated in a Cross-Margining Program/proposed rules

—Common account banking—Chicago Board of Trade/Chicago Mercantile Exchange rules for consideration

—Applications for designation as a contract market in CBOT Structural Panel Index futures and options on that futures contract/Chicago Board of Trade

—Commodity Options; Rule 1.19, final amendments

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, Secretary of the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-29979 Filed 12-3-93; 2:55 pm]

BILLING CODE 6351-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 1:00 p.m., Friday, December 10, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of their routine nature, no discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed changes to the discount rate for Financial Accounting Standards No. 87 (Retirement Plan) and No. 106 (Postretirement Welfare Benefits).

2. Proposed amendments to Regulation J (Collection of Checks and Other Items and Wire Transfers of Funds by Federal Reserve Banks) to conform to amendments to Regulation CC (Availability of Funds and Collection of Checks) and the Uniform Commercial Code.

Discussion Agenda

3. Publication for comment of proposed new Regulation BB (Community Reinvestment) to implement the Community Reinvestment Act.

4. Any items carried forward from a previously announced meeting.

Note: If an item is moved from the Summary Agenda to the Discussion Agenda, discussion of the item will be recorded. Cassettes will then be available for listening in the Board's Freedom of Information Office, and copies can be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: December 3, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-29982 Filed 12-3-93; 2:52 pm]

BILLING CODE 6210-01-P

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 3:00 p.m., Friday, December 10, 1993, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and

salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: December 3, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–29947 Filed 12–3–93; 2:52 pm]

BILLING CODE 6210–01–P

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11 a.m., Monday, December 13, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: December 3, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–29948 Filed 12–3–93; 2:52 pm]

BILLING CODE 6210–01–P

UNITED STATES INTERNATIONAL TRADE COMMISSION

TIME AND DATE: December 20, 1993 at 2:30 p.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

1. Agenda for future meeting.
2. Minutes.
3. Ratification List.
4. Invs. Nos. 731–TA–669–670 (Preliminary) (Certain Cased Pencils from China and Thailand)—briefing and vote.
5. Invs. Nos. 731–TA–671–674 (Preliminary) (Silicomaganese from Brazil, China, Ukraine and Venezuela)—briefing and vote.
6. Outstanding action jackets:

1. EC–93–018, Institution of section 332 investigation on Effects of the Arab League Boycott of Israel on U.S. Businesses.

2. GC–93–143, Failure to serve briefs and other documents in Inv. No. 731–TA–627 (Final) (Pads for Woodwind Instrument Keys from Italy).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

CONTACT PERSON FOR MORE INFORMATION: Donna R. Koehnke, Secretary (202) 205–2000.

Issued: December 3, 1993.

Donna R. Koehnke,

Secretary,

[FR Doc. 93–29949 Filed 12–3–93; 2:53 pm]

BILLING CODE 7020–02–P

UNITED STATES INTERNATIONAL TRADE COMMISSION

TIME AND DATE: December 21, 1993 at 10 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

1. Agenda for future meeting.
2. Minutes.
3. Ratification List.
4. Inv. No. 406–TA–13 (Final) (Honey from China)—briefing and vote.
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

CONTACT PERSON FOR MORE INFORMATION: Donna R. Koehnke, Secretary (202) 205–2000.

Issued: December 3, 1993.

Donna R. Koehnke,

Secretary.

[FR Doc. 93–29950 Filed 12–3–93; 2:53 pm]

BILLING CODE 7020–02–P

NATIONAL COUNCIL ON DISABILITY

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming quarterly meeting of the National Council on Disability. Notice of this meeting is required under Section 522b of the Government in the Sunshine Act, (Pub. L. 94–409).

DATES: January 24–27, 1994, 9:00 a.m. to 5:00 p.m.

LOCATION: San Diego Marriott Hotel, 333 West Harbor Drive, San Diego, California 92101–7700, (619) 234–1500.

FOR FURTHER INFORMATION CONTACT: Mark S. Quigley, Public Affairs Specialist, National Council on Disability, 1331 F Street, NW, Suite 1050, Washington, DC 20004–1107, (202) 272–2004, (202) 272–2074 (TT).

The National Council on Disability is an independent federal agency led by 15 members appointed by the President of the United States and confirmed by the U.S. Senate. The National Council was initially established in 1978 as an advisory board within the Department of Education. The Rehabilitation Act Amendments of 1984 transformed the Council into an independent agency. The overall purpose of the National Council is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature of severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

The quarterly meeting of the National Council shall be open to the public. The proposed agenda includes:

Report from the Chairperson and the Executive Director
Committee Meetings and Committee Reports
Unfinished Business
New Business
Announcements
Adjournment

Records shall be kept of all National Council proceedings and shall be available after the meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on December 1, 1993.

Edward P. Burke,

Acting Executive Director.

[FR Doc. 93–29884 Filed 12–3–93; 10:00 am]

BILLING CODE 6820–BS–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of December 6, 13, 20, and 27, 1993.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of December 6

Tuesday, December 7

10:00 a.m.
Periodic Briefing on EEO Program (Public Meeting)
(Contact: Vandy Miller, 301–492–4665)

Thursday, December 9

10:00 a.m.
Discussion of Interagency Issues (Closed—Ex. 9)
11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting)
a. Final Rule, 10 CFR Parts 30, 40, 50, 70, and 72, "Self-Guarantee as an Additional Financial Assurance Mechanism" (Tentative)
(Contact: Clark Prichard, 301–492–3734)
b. Modifications to Fitness-for-Duty Program Requirements Concerning the Random Drug Testing Rate (Tentative)
(Contact: Loren Bush, 301–504–2944)
2:00 p.m.
Briefing by Northeast Utilities (Public Meeting)
(Contact: Jose Calvo, 301–504–1404)

Friday, December 10

10:00 a.m.
Briefing by IG on Fee Audit (Public Meeting)
(Contact: Thomas Barchi, 301–492–7301)

Week of December 13—Tentative

Tuesday, December 14

10:00 a.m.
Briefing on Results of Operator Licensing Program Recentralization Study (Public Meeting)
(Contact: Robert Gallo, 301–504–1031)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of December 20—Tentative

Monday, December 20

10:00 a.m.
Briefing on Options for Agreement State Compatibility Policy (Public Meeting)
(Contact: Cardelia Maupin, 301–504–2312)
2:30 p.m.
Briefing by DOE on HLW Program (Public Meeting)
(Contact: Linda Desell, 202–586–1462)

Tuesday, December 21

10:00 a.m.
Periodic Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting)
(Contact: John Larkins, 301–492–4516)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)
3:00 p.m.
Briefing on Results of Fee Study (Public Meeting)
(Contact: James Holloway, 301–492–4301)

Wednesday, December 22

10:00 a.m.
Briefing on Results of License Extension Workshop and Proposed Changes to License Renewal Rule (Public Meeting)
(Contact: Scott Newberry, 301–504–1183)

Week of December 27—Tentative

There are no meeting scheduled for the Week of December 27.

ADDITIONAL INFORMATION: By a vote of 3–0 (Commissioner Remick was not present) on December 2, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that affirmation of "In the Matter of State of New Jersey, etc., Docket No. MISC. 93–01" (Public Meeting) be held on December 3, and on less than one week's notice to the public.

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

The schedule for commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

Dated: December 3, 1993.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 93–29975 Filed 12–3–93; 2:54 pm]

BILLING CODE 7590–01–M

Corrections

Federal Register
Vol. 58, No. 233
Tuesday, December 7, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Computer Matching Program Between the Social Security Administration and the Department of Defense

Correction

In notice document 93-28443 beginning on page 61074 in the issue of Friday, November 19, 1993, in the third column, under **DATES** "November" should read "December".

BILLING CODE 1505-01-D

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; New Computer Matching Program Between the Department of Education and the Defense Manpower Data Center of the Department of Defense

Correction

In notice document 93-28444 beginning on page 61077 in the issue of Friday, November 19, 1993, in the third column, under **DATES** "November" should read "December".

BILLING CODE 1505-01-D

FARM CREDIT ADMINISTRATION

12 CFR Part 611

RIN 3052-AB22

Organization; Reorganization Authorities for System Institutions

Correction

In proposed rule document 93-17639 beginning on page 39684 in the issue of Monday, July 26, 1993, make the following correction.

On page 39687, in the first column under *B. Examples of Exit Fee Computations*, Example 1, the table should read as set forth below.

Example 1. *Association terminating alone.*

Average daily balance (ADB) of association total assets	$357,990
Less: Present value of FAC payments	(3,703)
Tax liability due to anticipated stock retirement	(7,592)
Adjusted ADB	346,695
Six percent of the adjusted ADB of total assets	(20,802)
ADB of total capital	47,203
Less: Present value of FAC payments	(3,703)
Tax liability due to anticipated stock retirement	(7,592)
Subtotal	35,908
Less: Six percent of adjusted ADB of total assets	(20,802)
Exit fee	15,106

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 93F-0384]

National Aeronautics and Space Administration; Filing of Food Additive Petition

Correction

In notice document 93-28472 beginning on page 61093 in the issue of Friday, November 19, 1993, make the following correction:

On page 61093, in the third column, in the **SUPPLEMENTARY INFORMATION**, in the ninth line, after "regulations" insert "in Part 179-Irradiation in the Production, Processing and Handling of Food (21 CFR part 179), be amended".

BILLING CODE 1505-01-D

federal register

Tuesday
December 7, 1993

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Alteration of Kansas City Class B Airspace Area; Missouri; Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92-AWA-1]

RIN 2120-AE73

Alteration of the Kansas City Class B Airspace Area; Missouri

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters the Kansas City, MO, Class B airspace area to accommodate an anticipated growth in air traffic and the opening of a new runway at Kansas City International Airport. This action will maintain the altitude of the upper limit of the Class B airspace area at 8,000 feet mean sea level (MSL) and redefine several existing subareas to improve air traffic procedures. The primary goal of this modification is to improve safety while providing the most efficient use of the terminal airspace. This action will improve the flow of traffic and increase safety in the Kansas City terminal area.

EFFECTIVE DATE: 0901 Universal time (U.T.C.), December 9, 1993.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Background

Airspace reclassification, which became effective September 16, 1993, discontinued the use of the term "Terminal Control Area" (TCA) and replaced it with the designation "Class B Airspace." This change in terminology is reflected in this rule.

On May 21, 1970, the FAA published amendment No. 91-78 to part 91 of the Federal Aviation Regulations (FAR) that provided for the establishment of Terminal Control Areas (now referred to as Class B airspace areas) (35 FR 7782). The Terminal Control Area program was developed to reduce the midair collision potential in the congested airspace surrounding airports with high density air traffic by providing an area in which all aircraft will be subject to certain operating rules and equipment requirements. The density of traffic and the type of operations being conducted in the airspace surrounding major terminals increase the probability of midair collisions. In 1970, an extensive study found that the majority of midair collisions occurred between a general aviation (GA) aircraft and an air carrier, military, or another GA aircraft. The basic causal factor common to these conflicts was the mix of aircraft operating under visual flight rules (VFR) and controlled aircraft operating under instrument flight rules (IFR). The establishment of Class B airspace areas provides a method to accommodate the increasing number of IFR and VFR operations. The regulatory requirements of Class B airspace afford the greatest protection for the greatest number of people by providing air traffic control (ATC) with an increased capability to provide aircraft separation service, thereby minimizing the mix of controlled and uncontrolled aircraft. To date, the FAA has established a total of 29 Class B airspace areas.

Pre-NPRM Public Input

A pre-NPRM airspace meeting was held on September 4, 1991, in Kansas City, MO, to allow local interested airspace users an opportunity to present input on the design of the proposed alteration of the Kansas City Class B airspace area.

One letter was received prior to the informal airspace meeting from a private airport owner who wanted to make sure that the FAA would provide a cutout for his airport, which is located about 4.5 miles northwest of the Kansas City International Airport. The FAA agreed to include the requested cutout in the proposed Class B airspace area modification.

Fourteen persons attended the informal airspace meeting. The only comment was from another private airport owner who wanted a cutout for his airport, which is located about 5 miles west of the Kansas City International Airport.

The FAA responded by stating that a cutout would be proposed for all private airports located within the 6-mile arc of the Kansas City International Airport.

The FAA published a proposed TCA configuration in a Notice of Proposed Rulemaking (NPRM) on June 21, 1993 (58 FR 33878). The NPRM was published prior to the effective date of the Airspace Reclassification Final Rule, and, as stated earlier, under Airspace Reclassification TCA's became Class B airspace areas.

Discussion of Comments

The FAA received the following two comments from the Aircraft Owners and Pilots Association in response to the NPRM:

1. Establish a cutout around the North Platte Airpark at Camden Point, MO, similar to the one surrounding the Sherman Army Airfield (AAF).

Response: The FAA disagrees with the recommendation. The North Platte Airport is currently on the 10-mile arc of the Class B airspace area with a 3,000-foot MSL base to the north and a 2,400-foot MSL base to the south. The types of aircraft that operate from that airport can do so within those limits without problems because there is sufficient airspace available for operations below the 2,400-foot MSL base of the Class B airspace area. Because of obstructions, the Sherman AAF cutout is to the west of the airport which requires traffic patterns be flown to the northeast side of the airport. Also, the type of aircraft operating at Sherman AAF normally require a higher traffic pattern altitude.

2. Lower the ceiling of the Class B airspace area from 8,000 feet MSL to 7,000 feet MSL, the same as the New York area airports.

Response: The FAA disagrees with the recommendation. The ceiling of the New York Class B airspace area is 7,000 feet MSL. However, the field elevation of the primary airports is very near sea level. Therefore, 7,000 feet of airspace is available for aircraft maneuvers. The field elevation of the Kansas City International Airport is 1,026 feet MSL. Consequently, the 8,000 foot ceiling leaves approximately 7,000 feet of airspace available for maneuvers, or approximately the same amount of usable airspace as for the New York area airports.

The Rule

This amendment to part 71 of the Federal Aviation Regulations modifies the Class B airspace area at Kansas City, MO to accommodate an anticipated increase in air traffic and the construction of a new runway at Kansas City International Airport. The decision to pursue modification to the Class B airspace area was based on safety and operational needs. The FAA's responsibility is to manage efficiently the airspace surrounding the Kansas City area, while providing the requisite level of safety. The number of enplaned passengers for 1990 was 3,482,600; this number is projected to increase to 5.8 million by the year 1995 and to further increase to 7.8 million by the year 2000. This volume of traffic cannot be accommodated by the present configuration of the Class B airspace area. A new Runway 1R/19L is under construction and is scheduled for

completion in 1993. The Kansas City Class B airspace area modification will encompass operations for the new runway. The alteration is depicted in the attached chart.

This airspace configuration is based on an extensive staff study conducted by the FAA after obtaining public input from informal airspace meetings, written comments, and coordination with the FAA regional office. The FAA has determined that the alteration of airspace for the Kansas City Class B airspace area will be consistent with Class B airspace objections. The configuration considers the present terminal area flight operations and terrain.

The following modification of the Kansas City Class B airspace area reflects public comments and user group inputs.

Area A. That airspace extending from the surface up to and including 8,000 feet MSL within a 6-mile radius of the Kansas City International Airport, excluding that airspace within a 1-mile radius of Noah's Ark Private Airport and that area between the 4-mile radius arc and the 6-mile radius arc of Kansas City International Airport, bounded on the south by a line parallel to, and 2 miles north of the Kansas City International Airport Runway 9 ILS localizer course, and on the north by a line parallel to, and 2 miles west of the Kansas City International Airport Runway 19R ILS localizer course.

This airspace is necessary to contain large turbine-powered aircraft within the Class B airspace area while operating to and from the primary airport and to allow for ingress/egress to secondary airports.

Area B. That airspace extending from 2,400 feet MSL up to and including 8,000 feet MSL within a 10-mile radius of the Kansas City International Airport, excluding that airspace within a 1½-mile radius arc of the Fort Leavenworth Sherman Army Airfield and that airspace described in Area D.

This area will provide sufficient airspace for vectoring aircraft that are arriving at and departing from the primary airport.

Area C. That airspace extending from 3,000 feet MSL up to and including 8,000 feet MSL within a 15-mile radius of the Kansas City International Airport excluding that airspace described in Area D.

This airspace configuration will provide an area for containing aircraft during climb and descent maneuvers transitioning between the terminal and en route structures.

Area D. That airspace extending from 4,000 feet MSL up to and including 8,000 feet MSL within a 20-mile radius of the Kansas City International Airport and including that airspace within the 10-mile and 15-mile radius arcs defined by Interstate Highway 635 from the 15-mile radius arc extending north to a point where it intersects the 10-mile radius arc and then direct to lat. 39°11'30" N., long. 94°37'00" W., then direct to lat. 39°12'57" N., long. 94°24'52" W.

This airspace will provide an area to contain aircraft using Kansas City International Airport during climb or descent profile while also allowing sufficient airspace for VFR operations underneath the Class B airspace area floor.

Class B airspace area designations are published in paragraph 3000 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class B airspace area listed in this document will be published subsequently in the Order.

The FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days after publication in order to promote the safe and efficient handling of air traffic in the Kansas City area.

Paperwork Reduction Act

There are no requirements for information collection associated with this rule requiring approval from the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1990 (44 U.S.C. 3507 et seq.).

Regulatory Evaluation Summary

Introduction

This section summarizes the regulatory evaluation prepared by the FAA on the amendments to 14 CFR part 71 to alter the Kansas City Class B airspace area, Kansas City, MO. This summary and the full regulatory evaluation quantify, to the extent practicable, estimated costs to the private sector, consumers, and Federal, State, and local governments as well as anticipated benefits.

Executive Order 12866, October 4, 1993, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs.

The FAA has determined that this is not a significant regulatory action under Executive Order 12866, therefore, a full regulatory impact analysis which includes the identification and evaluation of cost-reducing alternatives to this final rule has not been prepared. Instead, the agency has prepared a more concise document termed a regulatory evaluation that analyzes only this rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains a Regulatory Flexibility Determination required by the Regulatory Flexibility Act (Pub. L. 96–354) and an International Trade Impact Assessment. If more detailed information is desired, the reader may examine the regulatory evaluation contained in the docket.

The Kansas City TCA (now Class B airspace) was established in 1975 to reduce the risk of a mid-air collision in congested airspace surrounding airports with high density air traffic. This high density terminal area presents complex air traffic conditions resulting from a mix of large turbine-powered air carrier aircraft with other aircraft of varying performance characteristics, and from a mix of IFR and VFR traffic operating in the same airspace. As the traffic in the given airspace increases, so does the risk of a midair collision. The Kansas City TCA (now Class B airspace) was originally established to reduce this risk. Since then, construction has commenced on a new runway 1R/19L. Modifying the existing Class B airspace area will meet future needs and will make sufficient Class B airspace available for simultaneous approach operations to the new runway. It will allow turboprop departures to accelerate to 250 knots and present a less complex Class B airspace design for the VFR pilots.

The modification of the Kansas City Class B airspace area is based on a staff study conducted by the local FAA authority. The staff's goal was to determine a viable Class B airspace design that will enhance the level of aviation safety. This process began with an informal airspace meeting that was announced in a letter sent to all pilots and airport managers within 100 miles of the Kansas City International Airport. The airspace design final rule reflects user feedback and information obtained during this meeting held in the Kansas City area on September 4, 1991.

In analyzing the modifications, the FAA considered two options. The first option, no change, is not recommended due to projected traffic increases and operational requirements needed for simultaneous approach operations. Existing Class B airspace altitudes do not allow turboprop departures, restricted to 4,000 feet MSL, to accelerate to 250 knots. In addition, a less complex Class B airspace design is desired. The second design will modify the existing Class B airspace area. It will provide sufficient Class B airspace for

simultaneous approach operations, allow turboprop departures to accelerate to 250 knots, and present a less complex Class B airspace design for VFR pilots.

Benefit Analysis

The final rule will enhance safety by reducing the risk of midair collisions. The risk of a midair collision will be reduced by increasing the controlled airspace around Kansas City.

Due to the proactive nature of the changes (i.e., safety-enhancing changes will be made when symptoms of a problem appear, to prevent, rather than react to, an accident), the potential safety benefits are difficult to quantify in monetary terms. The symptoms in this case are the increased complexity in aircraft operations within the present configuration of the Kansas City Class B airspace area, and the projected increase in aircraft operations as the following discussion shows.

The Kansas City Class B airspace was established in 1975. It has been modified once, in 1980, to accommodate nonparticipating users of the system and to assure that aircraft landing at Kansas City International Airport were contained within the Class B airspace. Since that time, the volume of traffic has varied dramatically primarily because of the bankruptcies of at least three major airlines.

However, over 3.4 million passengers were enplaned at the Kansas City International Airport during 1990. This number is expected to increase to 5.8 million by the year 1995 and to 7.8 million by the year 2000.

There are approximately 4,500 active pilots and 1,350 aircraft located in the Kansas City area. They use several private use airports and two controlled airports that are within approximately 10 nautical miles of the Kansas City International Airport. Kansas City Downtown Airport has a full time air traffic control tower (ATCT). It had over 157,000 total operations during 1991. Sherman Army Airfield is a joint use airport with a part time ATCT. It had approximately 42,000 airport operations during fiscal year 1991.

Fortunately, there have been no midair collisions within the Kansas City Class B airspace area. Without the experience of an actual midair collision, estimating the probability of a potential occurrence in the absence of a final rule cannot be reliably determined. However, without this rule, aviation safety in the Kansas City area could be significantly reduced due to the projected increase in traffic in the future; this could lead to catastrophic consequences without this proactive rule.

Cost Analysis

There will be little or no administrative costs to the Agency associated with implementation of the final rule. There will be no additional costs for either personnel or equipment.

The FAA's controller workforce will be trained in the aspects and procedures of the Class B airspace modification during regularly scheduled briefing sessions, thus no additional costs for controller training will be incurred. The Kansas City sectional chart and the Kansas City terminal area chart will have to be revised, but the required changes will be made at the time that those charts are routinely updated. These changes are considered part of the ordinary cost of chart revision; therefore, no additional costs will be incurred by the FAA. Because pilots are required to use current charts; they will not incur any-additional costs either; as the charts become obsolete, pilots will-replace them with charts that depict the modified Class B airspace.

VFR operators who do not routinely fly inside the Class B airspace area could be potentially inconvenienced by having to participate (i.e., contact ATC and follow operational rules) in the Class B airspace if they elect to operate in the area of the Class B airspace expansion. The FAA believes that most VFR operators will not be significantly inconvenienced because they are already participating in the Class B airspace, either by voluntarily contacting ATC when in areas adjacent to or under the Class B airspace, or by monitoring ATC frequencies.

Those VFR aircraft operators who wish to avoid the Class B airspace could face circumnavigational costs. These costs include the additional fuel needed, additional wear and tear on the aircraft, and added flying time. However, these costs should be negligible. First, the increase in size of the existing Class B airspace is small. Second, the deviations from current flight paths imposed or VFR aircraft will be small.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) ensures that small entities are not unnecessarily and disproportionately burdened by government regulations. The RFA requires agencies to review rules that may have significant economic impact on a substantial number of small entities.

The small entities that the rule could potentially affect are unscheduled operators of aircraft for hire owning nine or fewer aircraft. These unscheduled air taxi operators will be affected only when they were not operating under VFR. Since these operators fly regularly into airports with established radar approach control services, the FAA believes that unscheduled air taxi operators are already equipped to fly IFR, and because they will fly IFR instead of VFR, the final rule will not have a significant economic impact on any of them.

International Trade Impact Analysis

The final rule will neither have an effect on the sale of foreign aviation products or services in the United States, nor will it have an effect on the sale of U.S. products or services in foreign countries. This is because the final rule will neither impose costs on aircraft operators nor on U.S. or foreign aircraft manufacturers.

Federalism Implications

The regulation adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612 (52 FR 41685; October 30, 1987), it is determined that this regulation will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

International Civil Aviation Organization and Joint Aviation Regulations

In keeping with the U.S. obligations under the Convention on International Civil Aviation (ICAO), it is the FAA policy to comply with ICAO Standards and Recommended Practices (SARP) to the maximum extent practicable. The FAA has determined that this action would not present any conflict.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not a "significant regulatory action" under Executive Order 12866. In addition, the FAA certifies that this regulation will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This regulation is not considered significant under DOT Order 2100.5, Policies and Procedures for Simplification, Analysis and Review of Regulations. A final regulatory

evaluation of the regulation, including a final Regulatory Flexibility Determination and International Trade Impact Analysis has been placed in the docket. A copy may be obtained by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.**

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9665, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 3000—Subpart B—Class B Airspace

* * * * *

ACE MO B Kansas City, Mo [Revised]
Kansas City International Airport [Primary Airport] (lat. 39°17'57" N., long. 94°43'05" W.)
Noah's Ark Private Airport (lat. 39°13'50" N., long. 94°48'16" W.)
Fort Leavenworth, Sherman Army Airfield (lat. 39°22'06" N., long. 94°54'53" W.)

Boundaries

Area A. That airspace extending from the surface up to and including 8,000 feet MSL within a 6-mile radius of the Kansas City International Airport, excluding that airspace within a 1-mile radius of Noah's Ark Private Airport and that area between the 4-mile radius arc and the 6-mile radius arc of Kansas City International Airport, bounded on the south by a line parallel to, and 2 miles north of the Kansas City International Airport Runway 9 ILS localizer course, and on the north by a line parallel to, and 2 miles west of the Kansas City International Airport Runway 19R ILS localizer course.

Area B. That airspace extending from 2,400 feet MSL up to and including 8,000 feet MSL within a 10-mile radius of the Kansas City International Airport excluding that airspace within a 1½-mile radius arc of the Fort Leavenworth, Sherman Army Airfield and that airspace described in Area D.

Area C. That airspace extending from 3,000 feet MSL up to and including 8,000 feet MSL within a 15-mile radius of the Kansas City International Airport excluding that airspace described in Area D.

Area D. That airspace extending from 4,000 feet MSL up to and including 8,000 feet MSL within a 20-mile radius of the Kansas City International Airport and including that airspace within the 10-mile radius arcs defined by Interstate Highway 635 from the 15-mile radius arc extending northward to a point where it intersects the 10-mile radius arc and then direct to lat. 39°11'30" N., long. 94°37'00" W., then direct to lat. 39°12'57" N., long. 94°24'52" W.

* * * * *

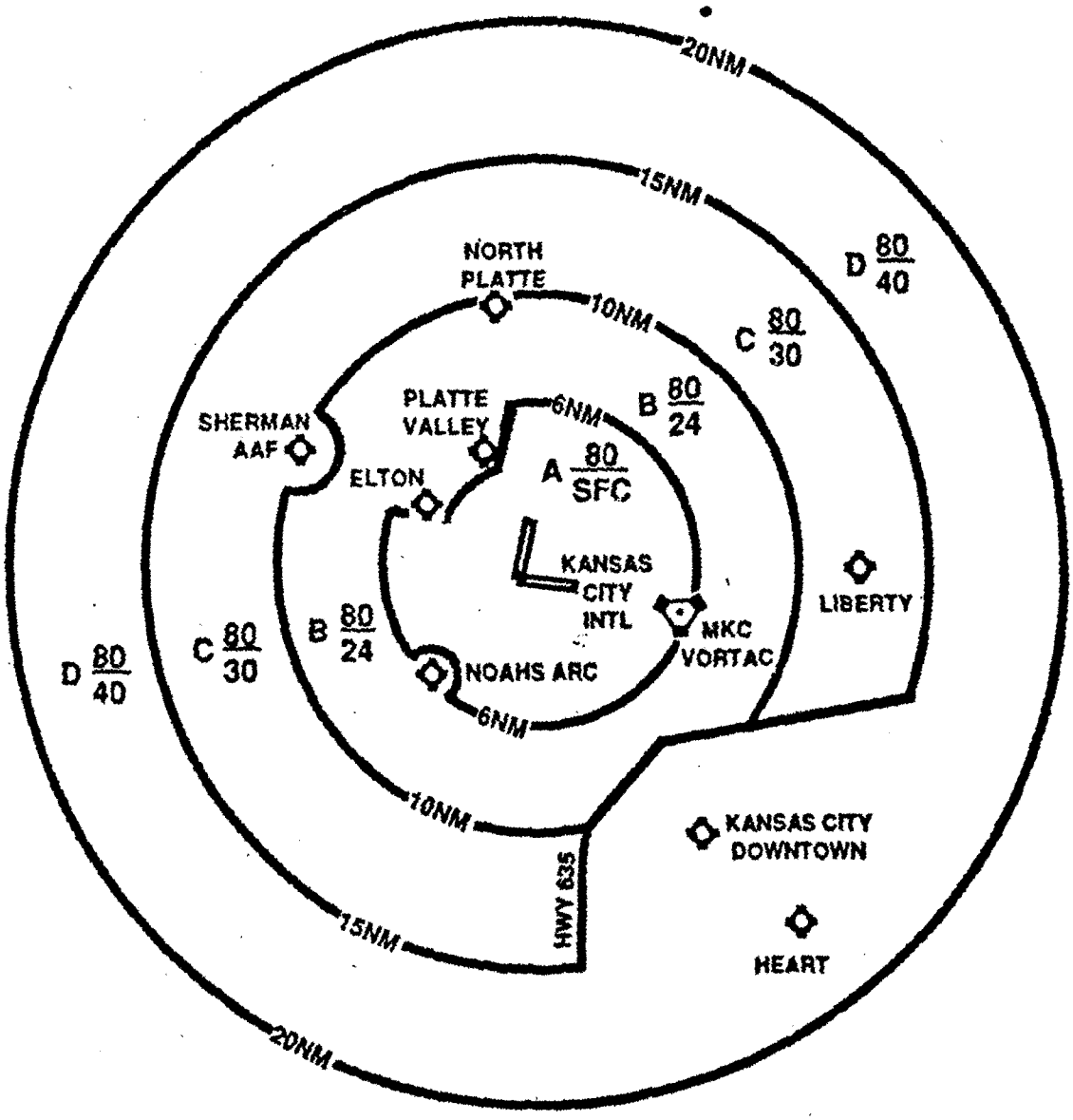
Issued in Washington, DC, on December 1, 1993.

L. Lane Speck,

Director, Air Traffic, Rules and Procedures Service, APT-1.

BILLING CODE 4910-13-M

KANSAS CITY, MO
CLASS B AIRSPACE
FIELD ELEVATION -1026 FEET
(NOT TO BE USED FOR NAVIGATION)



Prepared by the
FEDERAL AVIATION ADMINISTRATION
Cartographic Standards Branch
ATP-220

[FR Doc. 93-29623 Filed 12-6-93; 8:45 am]
BILLING CODE 4910-13-C

federal register

Tuesday
December 7, 1993

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 31
Airworthiness Standards; Manned Free Balloon Burner Testing; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 31

[Docket No. 27543, Notice No. 93-16]

RIN 2120-AE87

Airworthiness Standards; Manned Free Balloon Burner Testing

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend the test requirements for burners used on manned free balloons. The current test requirements do not test the burner's most critical operating conditions. This amendment would increase the current level of safety by requiring more realistic tests and cut the costs to balloon manufacturers seeking certification.

DATES: Comments must be received on or before February 7, 1994.

ADDRESSES: Comments on this notice should be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 27543, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 27543. Comments may be inspected in room 915G weekdays between 8:30 a.m. and 5 p.m., except on Federal holidays.

In addition, the FAA is maintaining an information docket of comments in the Office of the Assistant Chief Counsel, ACE-7, Federal Aviation Administration, Central Region, room 1544, 601 East 12th Street, Kansas City, Missouri 64106. Comments in the information docket may be inspected in the Office of the Assistant Chief Counsel weekdays, except Federal holidays, between the hours of 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: J. Lowell Foster, Standards Office (ACE-110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this notice are also invited. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and should be submitted in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments specified will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with Federal Aviation Administration (FAA) personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a preaddressed, stamped postcard on which the following statement is made: "Comments to Docket No. 27543." the postcard will be date stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-200, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM.

Persons interested in being placed on the mailing list for future NPRM's should request, from the above office, a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

Statement of the Problem

The current burner certification requirement of a 50-hour endurance test resembles testing requirements for aircraft engines. Aircraft engines operate continuously at high power, while balloon burners operate intermittently to maintain level or buoyant flight. The current requirement does not test the thermal cycles of a burner, which normally operates intermittently, or consider minimum heat output, which is more critical than maximum heat output.

Certification testing should simulate flight conditions, i.e., where the burner operates intermittently. Burning only a few seconds at a time, the short blast subjects the burner to thermal shock. First, the instantaneous impact of cold vaporized fuel cools the entire assembly, which was previously at ambient temperature. Next, burner flames engulf the vaporizing coils, resulting in an immediate and extreme temperature change. The critical concern, therefore, is not the duration of operation, but the number of mechanical and thermal cycles.

The secondary, or backup, operation of the burner creates another concern. This secondary operation at lower noise levels, for example, for operation over livestock, wildlife, and residential areas. The fuel lines for this operation are routed through a separate valve to the burner. These lines typically bypass the main blast valve and the coils and are fed directly to the burner. Although the fuel will not flow through the coils as it does using the main blast valve, the coils are still immersed in the flame. Without fuel cooling the coils, the flame from the burner can heat the coils until they glow red, possibly shortening burner life. Secondary operation of the burner typically lasts longer than operation through the main valve, which normally operates intermittently through a number of short duration blasts. The secondary burns may be for 1 to 2 minutes as opposed to 3 to 5 seconds for the main burner.

The final case to consider is operation on vapor. Operating the burners on vapor is not recommended, but pilots sometimes will operate burners on vapor for several minutes before they realize that a tank is out of fuel and switch to a full tank. Operation on vapor does not cool the coils because, as with the backup burner operation, no fuel is flowing through the coils to cool them, and operation results in the coils glowing red from the heat.

General Discussion of the Proposal

Section 31.47(d) requires that balloon burners certificated under part 31 undergo an endurance test of at least 50 hours. Under the current testing procedure, the burners are operated under conditions not typically experienced in actual flight, using an unrealistic maximum fuel flow; therefore, the current testing procedure wastes propane, and economically burdens the manufacturer.

The proposed amendment to § 31.47(d), by contrast, would remove 30 of the test hours at maximum heat output and require, instead, additional testing that focuses on critical functions

experienced during flight. More specifically, proposed changes in the balloon burner requirements would include testing of mechanical and thermal cycles, and testing of operation on vapor. The burners would be tested over a 40-hour period instead of 50 hours. The testing would be for specified periods at maximum, intermediate, and minimum fuel pressures, and would include burn times of 3 to 10 seconds per minute instead of the full 60 seconds. The term "intermediate fuel pressure" would be defined as 40 to 60 percent of the range between the maximum and minimum applicable fuel pressures in order to provide for testing the burners near the mid-point of their ranges of operation.

This proposed amendment will also change the word "heater" to "burner" in section 31.47. The industry universally uses the term "burner," and this change reflects accepted industry terminology.

Paperwork Reduction Act

There are no reporting or recordkeeping requirements associated with this proposed rule.

Regulatory Evaluation Summary

Three important requirements pertain to economic impacts of regulatory changes to the FARs. First, Executive Order 12291 directs Federal agencies to promulgate new regulations or modify existing regulations only if the potential benefits to society outweigh the potential costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Finally, the Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this rule: (1) Would generate benefits exceeding costs and is neither major, as defined in the Executive Order, nor significant, as defined in DOT's Policies and Procedures; (2) would have no significant impact on a substantial number of small entities; and (3) would have no impact on international trade. These analysis, available in the docket, are summarized below.

Benefits and Costs

The proposed rule would enhance safety by targeting critical functions and conditions experienced in actual flight and would significantly reduce certification testing costs. The current requirements call for at least 50 hours of testing, which typically consumes about 6,800 gallons of fuel per type certification. The new requirements, in contrast, are expected to result in a consumption of only about 350 gallons per certification test because the burners would be tested over a 40-hour period instead of 50 hours, and would be tested about 3 to 10 seconds per minute (this analysis used an average of 7 seconds) instead of the full 60 seconds. Given the current $1.20 per gallon price of propane, the proposed requirements are expected to yield almost $7,800 in net cost savings per type certification. Accordingly, the FAA finds this proposed rule to be cost-beneficial.

International Trade Impact Analysis

The cost savings that would be realized from the proposed rule, when amortized over a typical certification production run, would not be significant enough to have an impact on the sale of foreign products domestically or on the sale of U.S. products in foreign markets.

Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980 was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Government regulations. The RFA requires a Regulatory Flexibility Analysis if a rule is expected to have a "significant (positive or negative) economic impact on a substantial number of small entities." Based on the standards and thresholds specified in FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, the FAA has determined that the proposed rule would not have a significant economic impact on a substantial number of small aircraft manufacturers.

Federalism Implications

The regulations proposed herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

The FAA proposes to amend the airworthiness standards for testing balloon burners. The current test requirements do not test the burner's most critical operating conditions. This proposed amendment would cut the cost to balloon manufacturers seeking certification and increase the current level of safety by requiring more realistic tests.

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this proposed regulation is not major under Executive Order 12291. In addition, the FAA certifies that this proposal, if adopted, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This proposal is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). An initial regulatory evaluation of the proposal, including a Regulatory Flexibility Determination and Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.**

List of Subjects in 14 CFR Part 31

Aircraft, Aviation safety, Safety.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 31 of the Federal Aviation Regulations (14 CFR part 31) as follows:

PART 31—AIRWORTHINESS STANDARDS: MANNED FREE BALLOONS

1. The authority citation for part 31 continues to read as follows:

Authority: Secs. 313, 601, 603, 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1355, 1421, 1423.

2. Section 31.47 is amended by revising the heading and paragraphs (a) and (d) to read as follows:

§31.47 Burners.

(a) If a burner is used to provide the lifting means, the system must be designed and installed so as not to create a fire hazard.

* * * * *

(d) The burner system (including the burner unit, controls, fuel lines, fuel cells, regulators, control values, and other related elements) must be substantiated by an endurance test of at least 40 hours. Each element of the system must be installed and tested to simulate actual balloon installation and use.

(1) The test program for the main blast valve operation of the burner must include:

(i) Five hours at the maximum fuel pressure for which approval is sought, with a burn time for each one minute cycle of three to ten seconds;

(ii) Seven and one-half hours at an intermediate fuel pressure, with a burn time for each one minute cycle of three to ten seconds. An intermediate fuel pressure is 40 to 60 percent of the range between the maximum fuel pressure referenced in paragraph (d)(1)(i) and the minimum fuel pressure referenced in paragraph (d)(1)(iii);

(iii) Six hours and fifteen minutes at the minimum fuel pressure for which approval is sought, with a burn time for each one minute cycle of three to ten seconds;

(iv) Fifteen minutes of operation on vapor, with a burn time for each one minute cycle of at least 30 seconds; and

(v) Fifteen hours of normal flight operation.

(2) The test program for the secondary or backup operation of the burner must include six hours of operation with a burn time for each five minute cycle of one minute at an intermediate fuel pressure.

* * * * *

Issued in Washington, DC, on November 30, 1993.

Thomas E. McSweeny,

Director, Aircraft Certification Service.

[FR Doc. 93–29822 Filed 12–6–93; 8:45 am]

BILLING CODE 4910–13–M

federal register

Tuesday
December 7, 1993

Part IV

Congressional Budget Office

Transmittal of Final Sequestration Report for Fiscal Year 1994 to Congress and the Office of Management and Budget; Notice

CONGRESSIONAL BUDGET OFFICE

Notice of Transmittal of Final Sequestration Report for Fiscal Year 1994 to Congress and the Office of Management and Budget

Pursuant to section 254(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(b)), the Congressional Budget Office hereby reports that it has submitted its Final Sequestration Report for Fiscal Year 1994 to the House of Representatives, the Senate, and the Office of Management and Budget.

Stanley L. Greigg,

Director, Office of Intergovernmental Relations, Congressional Budget Office.

[FR Doc. 93–30062 Filed 12–6–93; 10:32 am]

BILLING CODE 4107–02–M

Reader Aids

Federal Register

Vol. 58, No. 233

Tuesday, December 7, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

ELECTRONIC BULLETIN BOARD

Free Electronic Bulletin Board service for Public Law numbers, and Federal Register finding aids. 202–275–1538, or 275–0920

FEDERAL REGISTER PAGES AND DATES, DECEMBER

63277–63518.....1
63519–63884.....2
63885–64100.....3
64101–64364.....6
64365–64454.....7

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6630.....63277
6631.....63279
6632.....63883
6633.....64363
Executive Orders:
3406 (Revoked in part by PLO 7020).....64166
12163 (See EO 12543 (See notice of December 2).....64361
12544 (See Notice of December 2).....64361
12748 (Amended by 12883).....63281
12883.....63281
12884.....64099
Administrative Orders:
Memorandums:
December 1, 1993.....64097
Presidential Determinations:
No. 94–4 of November 19, 1993.....63519
Notices:
December 2, 1993.....64361

5 CFR

52.....64365
831.....64366

7 CFR

1.....64353
75.....64101
301.....64102
955.....64103
981.....64105
987.....64103
989.....64106, 64107
997.....64109
1001.....63283
1002.....63283
1004.....63283
1005.....63283
1007.....63283
1011.....63283
1030.....63283
1033.....63283
1036.....63283
1040.....63283
1044.....63283
1046.....63283
1049.....63283
1065.....63283
1068.....63283
1075.....64110
1079.....63283
1093.....63283
1094.....63283
1096.....63283
1097.....63283
1098.....63283
1099.....63283
1106.....63283
1108.....63283
1124.....63283
1126.....63283
1131.....63283
1135.....63283
1138.....63283
Proposed Rules:
271.....64172
981.....64175
1040.....64176

9 CFR

318.....63521

10 CFR

1.....64110
20.....64110
30.....64110
40.....64110
70.....64110
73.....64110

11 CFR

Proposed Rules:
100.....64190
113.....64190

12 CFR

204.....64112
Proposed Rules:
230.....64190
611.....64442

14 CFR

39.....63523, 63524, 64112, 64114
71.....63293, 63885, 63886, 64116, 64117, 64444
158.....64118
Proposed Rules:
31.....64450
33.....63902
39.....63305, 63307, 64196, 64199, 64200, 64386
71.....63308, 63309, 63903, 63904, 63905, 63906, 64387
73.....63908

15 CFR

946.....64088
Proposed Rules:
946.....64202

16 CFR

1000.....64119

Proposed Rules:
307.....63488
1303.....63311

17 CFR

200.....64120
204.....64369
270.....64353

18 CFR

Proposed Rules:
141.....63312
388.....63312

19 CFR

201.....64120

20 CFR

404.....64121
416.....63887, 63888

Proposed Rules:
404.....64207
416.....64207

21 CFR

100.....64123
510.....63890
558.....63890
1220.....64137

Proposed Rules:
100.....64208
812.....64209
813.....64209
820.....64353

23 CFR

500.....63442, 64374
626.....63422, 64374

24 CFR

219.....64138
246.....64032
266.....64032
905.....64141
970.....64141

Proposed Rules:
3500.....64066

26 CFR

Proposed Rules:
301.....63541

30 CFR

50.....63528
70.....63528
71.....63528
90.....63528
925.....64142
936.....64374
938.....64151

Proposed Rules:
906.....64210
914.....64212

Proposed Rules:
700.....63316
701.....63316
705.....63316
706.....63316
715.....63316
716.....63316
785.....63316
825.....63316
870.....63316

31 CFR

317.....63529

32 CFR

95.....63293

Proposed Rules:
2.....63542

33 CFR

66.....64153
334.....64383

Proposed Rules:
156.....63544

34 CFR

Proposed Rules:
647.....63870

37 CFR

1.....64154, 64155
2.....64154
5.....64155
10.....64154, 64155
304.....63294

38 CFR

21.....63529

40 CFR

35.....63876
52.....64155, 64157, 64158, 64161
60.....64158
81.....64161
144.....63890
146.....63890
180.....63294
300.....63531
372.....63496, 63500
721.....63500

Proposed Rules:
52.....63316, 63545, 63547, 63549
80.....64213
300.....63551

41 CFR

101-39.....63631

Proposed Rules:
201-3.....64389
201-4.....64389
201-9.....64389
201-11.....64389
201-18.....64389
201-20.....64389
201-21.....64389
201-22.....64389
201-23.....64389
201-24.....64389
201-39.....64389

42 CFR

405.....63626
414.....63626
491.....63533

Proposed Rules:
67.....63909

43 CFR

Public Land Orders:
7013.....64165
7020.....64166

Proposed Rules:
426.....64277

44 CFR

64.....63899

46 CFR

Proposed Rules:
12.....64278
16.....64278

47 CFR

63.....64167
73.....63295, 63296, 63536
76.....64168
97.....64384

Proposed Rules:
63.....64280
73.....63318, 63319, 63320, 63321, 63553

48 CFR

232.....64353

Proposed Rules:
9.....63494
52.....63492, 63494
904.....63553
917.....63553
936.....63553
939.....63556
943.....63553
952.....63553
970.....63553

49 CFR

541.....63296
544.....63299
571.....63302, 64168
614.....63442, 64374

Proposed Rules:
571.....63321
583.....63327

50 CFR

216.....63536
663.....64169

Proposed Rules:
17.....63328, 63560, 64281
20.....63488
21.....63488
215.....64285
216.....64285
222.....64285
625.....64393
650.....63329

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-2470).

H.R. 898/P.L. 103-163
To authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs. (Dec. 2, 1993; 107 Stat. 1973; 1 page)

H.J. Res. 75/P.L. 103-164
Designating January 16, 1994, as "National Good Teen Day". (Dec. 2, 1993; 107 Stat. 1974; 1 page)

H.J. Res. 294/P.L. 103-165
To express appreciation to W. Graham Claytor, Jr., for a lifetime of dedicated and inspired service to the Nation. (Dec. 2, 1993; 107 Stat. 1975; 3 pages)

S. 1667/P.L. 103-166
To extend authorities under the Middle East Peace Facilitation Act of 1993 by six months. (Dec. 2, 1993; 107 Stat. 1978; 1 page)

S.J. Res. 75/P.L. 103-167
Designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week". (Dec. 2, 1993; 107 Stat. 1979; 2 pages)

S.J. Res. 122/P.L. 103-168
Designating December 1993 as "National Drunk and Drugged Driving Prevention Month". (Dec. 2, 1993; 107 Stat. 1981; 2 pages)

H.R. 698/P.L. 103-169
Lechuguilla Cave Protection Act of 1993 (Dec. 2, 1993; 107 Stat. 1983; 3 pages)

H.R. 914/P.L. 103-170
Red River Designation Act of 1993 (Dec. 2, 1993; 107 Stat. 1986; 2 pages)

H.R. 3161/P.L. 103-171
Older Americans Act Technical Amendments of 1993 (Dec. 2, 1993; 107 Stat. 1988; 7 pages)

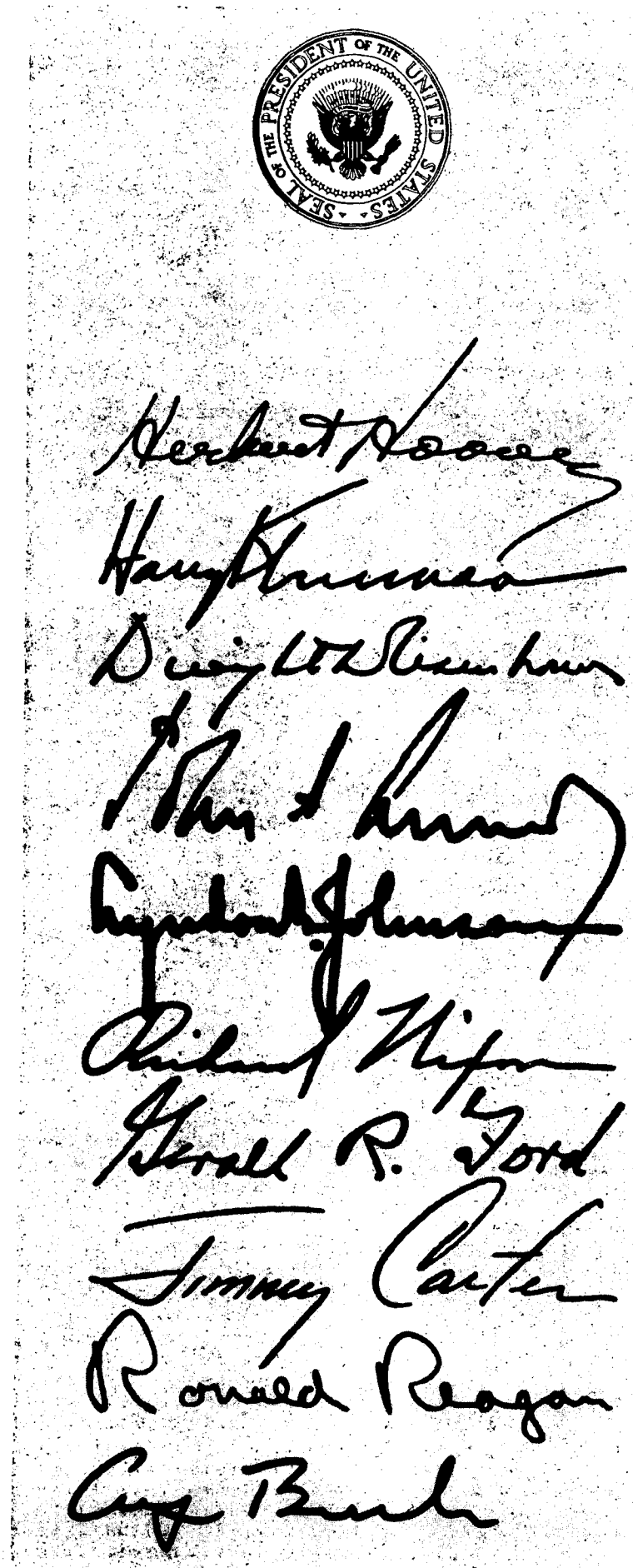
H.R. 3318/P.L. 103-172
Federal Employees Clean Air Incentives Act (Dec. 2, 1993; 107 Stat. 1995; 3 pages)

H.R. 3378/P.L. 103-173
International Parental Kidnapping Crime Act of 1993 (Dec. 2, 1993; 107 Stat. 1998; 2 pages)

H.R. 3471/P.L. 103-174
To authorize the leasing of naval vessels to certain foreign countries. (Dec. 2, 1993; 107 Stat. 2000; 2 pages)

S. 433/P.L. 103-175
To authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, Louisiana, and for other purposes. (Dec. 2, 1993; 107 Stat. 2002; 2 pages)

Last List December 6, 1993



Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are available: other volumes not listed are out of print.

Ronald Reagan

1983
(Book I) $31.00

1983
(Book II) $32.00

1984
(Book I) $36.00

1984
(Book II) $36.00

1985
(Book I) $34.00

1985
(Book II) $30.00

1986
(Book I) $37.00

1986
(Book II) $35.00

1987
(Book I) $33.00

1987
(Book II) $35.00

1988
(Book I) $39.00

1988–89
(Book II) $38.00

George Bush

1989
(Book I) $38.00

1989
(Book II) $40.00

1990
(Book I) $41.00

1990
(Book II) $41.00

1991
(Book I) $41.00

1991
(Book II) $44.00

1992
(Book I) $47.00

Published by the Office of the Federal Register, National Archives and Records Administration

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954